



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Urban Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF, OLC, PSF

Introduction

This is an application brought by the tenant requesting an order canceling a Notice to End Tenancy that was given for landlord use, and requesting recovery of her \$100.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on April 4, 2017; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to cancel a Notice to End Tenancy that was given on March 27, 2017, for landlord use.

Background and Evidence

The applicant testified that on March 27, 2017 the landlord served her with a 2 month, Notice to End Tenancy for landlord use that stated *“the landlord has all necessary permits and approvals required by law to demolish the rental unit, or renovate or repair the rental unit in a manner that requires the rental unit to be vacant.”*

The applicant further testified that, she checked with the City of Vancouver, and on March 30, 2017 she received an e-mail from the planner of housing policy and projects for the City of Vancouver, and in that e-mail it stated that there are no permits in place for demolition or development at that address.

The applicant is therefore requesting that the Notice to End Tenancy be canceled.

The applicant is also requesting recovery of her \$100.00 filing fee.

Analysis

I have reviewed the evidence provided by the tenant and it is my finding that, at the time that the Notice to End Tenancy was served on the tenant, the landlords did not have all necessary permits and approvals required by law.

The e-mail sent by the City of Vancouver quite clearly shows that, on March 30, 2017, three days after the landlord had served the Notice to End Tenancy; there were no permits in place.

I therefore allow the tenants request to cancel the Notice to End Tenancy.

I also allow the tenants request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 68(2) of the Residential Tenancy Act, two month Notice to End Tenancy dated March 27, 2017 is hereby canceled and this tenancy continues.

Pursuant to section 72 of the Residential Tenancy Act, I have allowed the tenants request for recovery of her \$100.00 filing fee, and therefore the tenant may make a one-time \$100.00 deduction from future rent payable to the landlord.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 08, 2017

Residential Tenancy Branch