



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DAVID BURR LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL, FF

### Introduction

The tenants are all tenants in three of four rental units located in a house. Each have received a two month Notice to End Tenancy for landlord use of property. All three Notices are dated August 25, 2017. The Notices claim that the landlord has sold the property and the purchaser intends to occupy the premises.

The tenants seek to cancel the Notices.

All parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

### Issue(s) to be Decided

Have the landlord or purchasers shown a good faith intention of occupying the three rental units by the purchasers or a close family member of either purchaser?

### Background and Evidence

The rental units are apartments in a large and very old home. The home was built in about 1911 and was converted into separate rental units in about 1955.

Each unit has its own kitchen and bathroom facility. Unit 3 is a two bedroom unit on the first floor. Unit 4 is a two bedroom unit on the top floor and attic. Unit 2 is a studio apartment.

The Residential Tenancy Branch has joined these three applications to be heard together. Mr. M. for the landlord indicates he was aware of the joining of two files but not the third, file 866497. It has been set for hearing in December. He and the tenants agreed and consented to that matter being heard with the other two today.

Mr. M. testifies that his office has put the purchasers on notice of this application through their realtor but has heard nothing back. He says the purchase and sale of the building is set to complete on November 7, 2017 and that there were no conditions to the sale. He does not know what plans the purchasers have for the building nor who will be occupying it. He produces a copy of the two purchasers' written and signed request for the landlord to issue the Notices in question. It states, "I/we (or my spouse, my/our child/children, my/our parent(s) intend in good faith to occupy the residential property . . ."

The tenants say it is unlikely to them that the purchasers or either of them would buy a house with four rental units in it in order to house their close family members.

### Analysis

I agree with the tenants that it is unlikely that the new owners would house close family members in a four rental unit house. It is not impossible however. The situation demands an explanation from the purchasers.

The ending of a tenancy is a very serious matter. Though the standard of evidence is on a balance of probabilities, convincing, cogent evidence will be required to establish the grounds given in a Notice to End Tenancy.

In this case neither the landlord or the purchaser has provide evidence to move these circumstances out of the realm of the unlikely.

Conclusion

The tenants' applications are each allowed. The three Notices dated August 25, 2017 are hereby set aside.

The tenants of each of the three rental units in question are entitled to recover the \$100.00 filing fee for the applications. I authorize them to reduce their next rent due by \$100.00 in full satisfaction of the fee.

This decision was rendered orally after hearing and 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: October 29, 2017

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Residential Tenancy Branch