



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNL, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the two month Notice to End Tenancy May 24, 2017

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to 2 month End Tenancy was personally served on the Tenant on May 25, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord resides on August 11, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy dated May 24, 2017?

Background and Evidence:

The tenancy began on November 1, 2014. The present rent is \$525 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$250 at the start of the tenancy.

Grounds for Termination:

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant

The two month Notice to End Tenancy set the end of tenancy for August 1, 2017.

On August 1, 2017 the parties agreed the tenant could remain in the rental unit until August 31, 2017.

The Municipality has demanded that the landlord decommission the rental unit. The tenant is in a wheelchair and has not been able to find alternative accommodation at a price he is able to pay. He testified he has been placed on an urgency basis with B.C. Housing.

Settlement:

At the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The parties mutually agree to end the tenancy on November 30, 2017.
- b. The parties request the arbitrator issue an Order of Possession for November 30, 2017.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective November 30, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: October 11, 2017

Residential Tenancy Branch