



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the an order to cancel the 10 day Notice to End Tenancy dated October 4, 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.

Background and Evidence:

The parties entered into a one year fixed term tenancy agreement that provided that the tenancy would start of December 1, 2016 and end on November 30, 2017 and become month to month after that. The tenancy agreement provided the tenant would pay rent of \$1600 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$800 at the start of the tenancy.

The landlord served a 2 month Notice to End Tenancy dated September 1, 2017 that set the end of tenancy for November 30, 2017. The grounds set out in the Notice are as follows:

- All of the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit

On October 1, 2017 the landlord gave the tenant written notice he was vacating the rental unit on October 31, 2017 and that he would be applying his right to one month free rent to the month of October. The tenant vacated at the end of October. The landlord served a 10 day Notice to End Tenancy on October 4, 2017.

Analysis:

I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy without liberty to re-apply as a determination of that matter is moot. The tenant no longer

wishes the tenancy to be reinstated. As the tenant has vacated and the rental property has been sold to a third party I determined it was not appropriate to issue an Order of Possession.

The landlord has filed an Application for Dispute Resolution seeking a monetary order for loss of rent. The landlord takes the position the tenant was not legally entitled to end the tenancy before the end of the fixed term. That matter is set for hearing in May. I determined it was not appropriate to consider the matters related to that claim in this hearing.

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: December 20, 2017

Residential Tenancy Branch