



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning an application made by the tenant seeking more time than prescribed to dispute a notice to end the tenancy; an order cancelling a notice to end the tenancy for cause; and to recover the filing fee from the landlord for the cost of the application.

The line remained open while the phone system was monitored for 15 minutes and no participants joined the call during that time. Therefore, I dismiss the tenant's application.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. I have reviewed the One Month Notice to End Tenancy for Cause provided as evidence by the tenant. It is dated October 19, 2017 and contains an effective date of vacancy of October 22, 2017 and shows that it was served in person on September 19, 2017. None of the boxes has been checked to indicate a reason however the Details of Cause(s) section states: "The properties Sale is pending. One condition is to have this notice served by 09/22/2017. Vacant by 10/22/2017."

Where a landlord ends a tenancy due to a sale of the rental property, the landlord must use the appropriate notice, which is a Two Month Notice to End Tenancy for Landlord's Use of Property, and cannot be issued until all of the conditions for the sale of the property have been satisfied and the purchaser has requested, in writing, that the landlord issue the notice.

In the circumstances, I am not satisfied that the notice given is in the approved form and I decline to issue an Order of Possession in favour of the landlord. The tenant's application is dismissed with leave to reapply.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed with leave to reapply.

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 27, 2017

Residential Tenancy Branch