



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, PSF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order cancel a two month Notice to End Tenancy that was served on the Tenant around February 19, 2019. Neither party uploaded a copy of the Notice to End Tenancy. The Application for Dispute Resolution also seeks an order that the landlord provide services and facilities.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

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. The landlords were out of the country and they did not have all of their documents with them. Further there were some problems as they disconnected on two occasions. 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 2 month Notice to End Tenancy was served on the Tenant on February 19, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy?
- b. Whether the tenant is entitled to an order that the landlord provide services and/or facilities?

Background and Evidence:

The tenancy began on January 13, 2013. The present rent is \$750 per month payable in advance on the first of each month. The Tenant paid a security deposit of \$375 and a pet damage deposit of \$100.

Grounds for Termination:

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

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse

Analysis:

Neither party uploaded a copy of the Notice to End Tenancy at it is not possible to determine precisely what was included. The landlord stated that his wife's son (and the son's wife) intend to move in. The Tenant stated that the Notice questioned whether he was entitled to subsidized housing. The wife's son did not appear at the hearing and failed to present sufficient evidence as to his intentions. The landlord did not have all of the documents with him and he is presently out of the country. I dismissed the Tenant's claim that the landlord provide services or facilities as the tenant failed to identify and provide sufficient proof as to what services or facilities he was seeking.

Determination and Orders:

After carefully considering all of the evidence I determined that the landlord has failed to prove sufficient cause to end the tenancy of the based on the 2 month Notice to End Tenancy which was served on the Tenant around February 19, 2019. As a result I ordered that the February 19, 2019 Notice to End Tenancy be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged. I cancelled this Notice to End Tenancy as neither party provided a copy and there was confusion as to what was included. The landlord the right to serve a new 2 month Notice to End Tenancy on the Tenant as both parties failed to present sufficient evidence necessary to make a decision on the merits .

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: April 04, 2019

Residential Tenancy Branch