



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

The tenant applies to cancel a four month Notice to End Tenancy dated March 31, 2019. The Notice claims that the landlord intends to conduct repairs or renovations to the rental unit that require that the unit be vacant.

At hearing the parties agreed that while the tenant was generally amenable to vacating the premises by the effective date in Notice, it was not the landlord that intended to conduct renovations or repairs. Rather, the landlord has sold the rental unit and his purchaser(s) have indicated they wish to have this tenant vacate the rental unit and they wish to conduct renovations.

The parties were referred to s. 49 of the *Residential Tenancy Act* and particularly ss. (5)

(5) A landlord may end a tenancy in respect of a rental unit if

(a) the landlord enters into an agreement in good faith to sell the rental unit,

(b) all the conditions on which the sale depends have been satisfied, and

(c) the purchaser asks the landlord, in writing, to give notice to end the tenancy on one of the following grounds:

(i) the purchaser is an individual and the purchaser, or a close family member of the purchaser, intends in good faith to occupy the rental unit;

(ii) the purchaser is a family corporation and a person owning voting shares in the corporation, or a close family member of that person, intends in good faith to occupy the rental unit.

The parties agreed the four month Notice was not longer in effect and that they would each obtain advice with a view to the landlord issuing a two month Notice under s. 49(5) and the tenant agreeing to (or not disputing) an effective date earlier than the required two clear months.

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: August 13, 2019

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Residential Tenancy Branch