



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was convened in response to an application by the Tenant for an order cancelling a 4-month notice to end tenancy for landlord's use pursuant to section 49 of the *Residential Tenancy Act* (the "Act").

The Landlord and Tenants were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Are the Tenants entitled to a cancellation of the notice to end tenancy?

Background and Evidence

The following are agreed facts: The tenancy started in July 1989. Rent of \$1,896.00 is payable on the first day of each month. On December 26, 2019 the Landlord served the Tenants with a 4-month notice to end tenancy for landlord's use (the "Notice"). The reason stated on the Notice is that the Landlord will perform renovations to the unit that are so extensive that the unit must be vacant. The Notice indicates that no permits are required and that the renovations will take two months. The Notice sets out that renovations will result in a new kitchen, new bathroom, new flooring, new paint, new light fixtures, new deck and new furnace.

The Landlord states that it just spoke with its contractor who informed the Landlord that permits are required for the proposed electrical work to be done with the renovations. The Landlord confirms that the permit or permits have not yet been obtained.

Analysis

Section 49(6)(b) of the Act provides that A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to renovate or repair the rental unit in a manner that requires the rental unit to be vacant. Based on the Landlord's evidence that it does not have a permit that will be required for the planned renovations I find that the Notice is not valid. I therefore cancel the Notice and the tenancy continues.

Conclusion

The Notice is cancelled, and the tenancy continues.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 09, 2020

Residential Tenancy Branch