



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, CNL-4M

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to cancel Four Month Notice to End Tenancy for Demolition, Renovation, or Conversion of a Rental Unit (the “Notice”) issued on September 1, 2020.

Both parties appeared and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

The parties agreed that the Notice was served on the tenant indicating that the tenant is required to vacate the rental unit on January 31, 2021. The reason stated in the Notice was because I am going to demolish the rental unit.

The landlord testified that they did not have the required permit at the time the Notice was issued. The landlord stated that they have corrected that error and on November 18, 2020 the permit was obtained, and they have issued a new notice to end the tenancy on November 20, 2020.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I accept the evidence of the landlord that they did not have the permit required by law to demolish the rental at the time the Notice was issued. I find the Notice was not valid at the time it was issued. Therefore, I grant the tenant's application to cancel the Notice.

Since the tenant was successful with their application. I authorize the tenant a one-time rent reduction from January 2021, rent of \$100.00 to recover the cost of the filing fee.

Conclusion

The tenant's application to cancel the Notice, is granted. I authorize the tenant a one-time rent reduction to recover the cost of the filing fee.

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 03, 2020

Residential Tenancy Branch