



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Vacation Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for landlord's use of property; an order that the landlords comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlords for the cost of the application.

The tenant and an agent for the landlords attended the hearing.

During the course of the hearing, the landlords' agent advised that he was not able to prove that the rental unit will be used for the purpose contained in the Two Month Notice to End Tenancy for Landlord's Use of Property (the Notice). A copy of the Notice has been provided as evidence for this hearing, and it is dated February 28, 2021 and contains an effective date of vacancy of April 30, 2021. The reason for issuing it states:

"The rental unit will be occupied by the landlord or the landlord's close family member (parent, spouse or child; or the parent or child of that individual's spouse)." specifying the landlord or the landlord's spouse."

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in good faith and in accordance with the *Residential Tenancy Act*. Since the landlords have not established either, I cancel the Notice.

Since the tenant has been successful with the application, the tenant is entitled to recovery of the \$100.00 filing fee, and I grant a monetary order in favour of the tenant as against the landlords in that amount.

Conclusion

For the reasons set out above, the Two Month Notice to End Tenancy for Landlord's Use of Property dated February 28, 2021, which contains an effective date of vacancy of April 30, 2021 is hereby cancelled.

I hereby grant a monetary order in favour of the tenant as against the landlords pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$100.00.

This order is final and binding and may be enforced.

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: June 22, 2021

Residential Tenancy Branch