



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT

Introduction

The tenant filed an Application for Dispute Resolution on July 26, 2021 seeking a cancellation of the 4 Month Notice to End Tenancy for Demolition, Renovation, or Conversion to Another Use (the “Four-Month Notice”). Additionally, they applied for reimbursement of the Application filing fee.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on November 25, 2021. Both parties attended the conference call hearing. I explained the process and offered both parties the opportunity to ask questions. Both parties had the opportunity to present oral testimony and make oral submissions during the hearing.

The landlord confirmed they received notice of this hearing from the tenant directly, including their prepared evidence. The landlord did not prepare documentation for use as evidence for this hearing. On this basis, the hearing proceeded.

The parties had a tenancy agreement in place since 2016. The landlord issued the Four-Month Notice to the tenant on June 29, 2021. The landlord clarified that the correct end-of-tenancy date as it should appear on the document was October 31, 2021.

In the hearing, the tenant provided that the landlord subsequently issued a Two-Month Notice to End Tenancy for Landlord’s Use of Property, on November 7, 2021. This is for the final end-of-tenancy date of January 31, 2021. They did not file an Application to dispute this Two-Month Notice within the 15-day timeframe specified on the document. The tenant stated they are planning to move out for the end-of-tenancy date of January

31, 2021. They are actively looking for a new living arrangement, as stated in the hearing.

The landlord confirmed they issued a Two-Month Notice and explained that it is in line with the sale of the property, completed on October 11, 2021. They informed the tenant of the sale on October 23.

Given that the tenant provided affirmed testimony that they will be moving out by January 31, 2021, the validity of the Four-Month Notice is not at issue. The landlord indicated the rental unit was now sold; therefore, I conclude they no longer have the intention to make renovations as specified on the Four-Month Notice. For this reason, I dismiss the tenant's Application to cancel the Four-Month Notice.

Because the tenant was not successful in their Application and did not withdraw despite their ending tenancy, I dismiss their claim for reimbursement of the Application filing fee.

Conclusion

The tenant's Application to cancel the Four-Month Notice is dismissed without leave to reapply.

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

Dated: November 25, 2021

Residential Tenancy Branch