



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL-4M, OLC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's Four Month Notice to End Tenancy for Demolition or Conversion of a Rental Unit ("4 Month Notice"), pursuant to section 49; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The landlord and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing lasted approximately 32 minutes.

The landlord intended to call her husband as a witness at this hearing. He provided his name and spelling. He was excluded from the outset of this hearing and did not return to testify.

The landlord stated that she owns the rental unit and confirmed the rental unit address. She provided her email address for me to send this decision to her after the hearing.

The tenant provided the rental unit address for me to mail this decision to her after the hearing.

At the outset of this hearing, I informed both parties that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). The landlord and the tenant both separately affirmed, under oath, that they would not record this hearing.

I explained the hearing and settlement processes to both parties. I informed them that I could not provide legal advice to them. Both parties had an opportunity to ask questions, which I answered. Neither party made any adjournment or accommodation requests.

Both parties were given additional time during this hearing to engage in settlement discussions but were unable to reach an agreement.

The tenant stated that she did not have her application or amendment in front of her during this hearing. The tenant was provided extra time during this hearing to search through her email and find the above documents but was unable to locate them.

I notified the tenant that she provided the following information in her online RTB application details, regarding her claim for an order to comply:

*“july 2021 landlords bought unit. the notice says they are moving in. upon in person conversations, and written evidence over text, it appears they plan to renovate/flip or renovate a while, not move in. they own lucrative property, and business in vancouver, also have other properties with tenants. want to insure they indeed move in, in march and that they arent just trying to evict me, reno and flip, apply for first refusal should this end up happening.”*

I notified the tenant that her application was for an order to comply and she amended it to add a claim to dispute a 4 Month Notice. The tenant confirmed the above information. She stated that she wanted the landlord to comply with the *Act* by moving into the rental unit, rather than renovating and “flipping” the unit. She said that she wanted to stay in the rental unit, rather than be evicted.

Both parties agreed during this hearing that the tenant did not receive a 4 Month Notice or any notices to end tenancy from the landlord on the approved RTB forms. The tenant stated that she only received text messages about moving out. She said that she did not move out and was still residing in the rental unit.

I informed the tenant that her entire application was dismissed without leave to reapply. I notified her that since she did not receive a 4 Month Notice from the landlord, I could not make a decision to cancel it. I informed her that since her claim for an order to comply was related to a 4 Month Notice that she never received, I could not make a decision about that either. The tenant confirmed her understanding of same.

The tenant claimed that the landlord gave her a notice of rent increase for an extra \$16.00 per month. She agreed that she got the proper rent increase notice with the proper amount, but she received it on the wrong day. I informed the tenant that she did not apply to dispute a rent increase so I could not make a decision about it. The tenant confirmed her understanding of same.

I notified the tenant that she could obtain information only, not legal advice, from information officers at the RTB. I informed her that she could hire a lawyer to obtain legal advice, if she wanted to do so. The tenant confirmed her understanding of same.

### Conclusion

The tenant's entire application is dismissed without leave to reapply.

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: January 21, 2022

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Residential Tenancy Branch