



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** CNL, FF

### **Introduction**

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a four month Notice to End Tenancy issued by the Landlord for the demolition of the property. The tenant also applied for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee.

Both parties appeared, gave affirmed testimony 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 to me. Both parties agreed that they had received the evidence package served by the other party.

### **Issues(s) to be Decided**

Has the Landlord validly issued the Notice to End Tenancy and does the Landlord have the necessary permits required by law?

### **Background and Evidence**

The tenancy started about eight years ago and the rental property has since been sold twice. This tenant occupies the main level of the home. The lower level is rented by a third party.

On December 30, 2022, the landlord served the tenant with a four month notice to end tenancy as he planned to have the rental home demolished. The landlord testified that he had applied for the necessary permits but the permits were not yet issued by the City. The landlord filed a copy of his application for a public sewer connection to support his testimony that he has applied for a demolition permit.

## **Analysis**

Section 49 (6)(a) of the *Residential Tenancy Act* states:

(6)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:  
(a)demolish the rental unit;

In this case the Landlord had not yet obtained the necessary permits. Therefore, I find that the Notice to End Tenancy must be set aside. Since the tenant has proven his case, he may recover the filing fee from a future rent.

The landlord has agreed to provide the tenant with a copy of the tenancy agreement by February 06, 2023.

## **Conclusion**

The Notice to End Tenancy is set aside, and the tenancy will continue.  
The tenant may make a onetime deduction of \$100.00 from rent due on March 01, 2023.

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: February 03, 2023

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Residential Tenancy Branch