



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL-4M, FFT

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking an order cancelling a Four Months' Notice to End Tenancy For Demolition or Conversion of a Rental Unit, and to recover the filing fee from the landlord for the cost of the application.

All 3 tenants and the landlord attended the hearing and the tenants were accompanied by Legal Counsel. The parties agree that all evidence has been exchanged.

At the commencement of the hearing the landlord submitted that the landlord intends to do major plumbing work to the rental unit, and that it is not safe, but the landlord does not intend to demolish or convert the rental unit.

I advised the parties that Effective July 1, 2021, under new legislation, if a landlord wants to end a tenancy for extensive renovations or repairs, the landlord must apply for an Order of Possession from the Residential Tenancy Branch. There will be a Dispute Resolution Proceeding where an arbitrator will decide if ending the tenancy is the only way to complete this work.

Any notice received on or after July 1, 2021 is invalid and the landlord must end the tenancy under the new process by applying to the Residential Tenancy Branch.

Therefore, no testimony was taken, and I advised the parties that the law requires me to cancel the Four Months' Notice to End Tenancy.

Since the tenants have been successful with the application, the tenants are also entitled to recovery of the \$100.00 filing fee. I grant a monetary order in favour of the tenants in that amount. The tenants must serve the order to the landlord, which may be

filed in the Provincial Court of British Columbia, Small Claims division as a judgment. Alternatively, I order that the tenants be permitted to reduce rent for a future month by that amount.

### Conclusion

For the reasons set out above, the Four Months' Notice to End Tenancy For Demolition or Conversion of a Rental Unit dated February 14, 2023 is hereby cancelled and the tenancy continues until it has ended in accordance with the law.

I hereby grant a monetary order in favour of the tenants as against the landlord in the amount of \$100.00, and I order that the tenants be permitted to reduce rent for a future month by that amount, or may otherwise recover it.

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: May 16, 2023

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Residential Tenancy Branch