



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding 1094374 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes PFR

Introduction

On April 12, 2023, the Landlord submitted an Application for Dispute Resolution under section 49.2(1) of the *Residential Tenancy Act* (“the Act”) requesting an order of possession for the rental units listed in this application in order to perform renovations or repairs that require the rental units to be vacant.

The matter was set for a conference call hearing. The landlord’s agent, CL, attended as well as the tenants NH and SP.

At the outset of the hearing, the landlord confirmed that they wish to end the tenancy for the purpose of converting the residential property to strata lots under the Strata Property Act.

As per section 49.2(1) of the Act and RTB Policy Guideline 2b, a landlord is only required to file an application for dispute resolution to end a tenancy under the following circumstances:

- (a) the landlord intends in good faith to renovate or repair the rental unit and has all the necessary permits and approvals required by law to carry out the renovations or repairs;
- (b) the renovations or repairs require the rental unit to be vacant;
- (c) the renovations or repairs are necessary to prolong or sustain the use of the rental unit or the building in which the rental unit is located;
- (d) the only reasonable way to achieve the necessary vacancy is to end the tenancy agreement.

In the case where a landlord wants to convert a residential property into strata lots under the Strata Property Act, the landlord is required under section 49(6)(c) of the *Act* to serve the tenant(s) with a 4 Month Notice to End Tenancy for Demolition or Conversion of a Rental Unit (RTB Form #RTB-29). A tenant who receives such a notice may dispute the 4 Month Notice within 30 days after the date the tenant receives the notice.

Pursuant to section 62(4) of the Act, the director may dismiss all or part of an application for dispute resolution if there are no reasonable grounds for the application or part. As noted above, the landlord is not required to file an application in order to convert a residential property into strata lots. I therefore exercise my authority under section 62(4)(b) of the Act to dismiss this entire application without leave to reapply.

If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: August 11, 2023

Residential Tenancy Branch