



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Municipal Affairs

A matter regarding NORTH CARIBOO REALTY LTD. and
[Tenant name suppressed to protect privacy]

DECISION

Dispute Codes PFR

Introduction

This hearing dealt with a Landlord's request for an order ending the tenancy, and an order granting the Landlord vacant possession of the rental unit, to make significant repairs to the rental unit, under section 49.2 of the Act.

The Landlord's agent and the Tenant appeared for the hearing.

Preliminary and Procedural Matters

I confirmed the Landlord served the Tenant with the Landlord's application and supporting materials, in person, on February 4, 2024.

The Landlord's agent informed me that she had difficulty uploading two documents after filing: a request to amend the application and the tenancy agreement. These documents were served to the Tenant, and I permitted the Landlord to orally describe the content of these documents to me.

The Landlord sought to amend the application to correct the unit number for the rental unit. I amended the application during the hearing based on this unopposed oral request. The basic terms of tenancy were provided to me orally by both parties in lieu of receiving the written tenancy agreement.

The Landlord's documentary evidence concerning the intended repair was reviewed, and discussion ensued as to the requirements for ending a tenancy under section 49.2 of the Act. I noted the lack of documentation such as a contractor's estimate and the permit application that was approved by the city. I also noted an inconsistency in the address of the rental unit and the engineers' drawings and the possibility the permit may expire before the tenancy could be ended.

The Landlord requested withdrawal of this application.

Both parties also indicated a willingness to engage in further discussions as to how to accomplish the repair and keep the tenancy from ending by way of a temporary or partial vacate of the rental unit, if possible.

I granted the Landlord's request for withdrawal. I grant the Landlord leave to reapply in recognition that the nature of the repair is structural and in the event the parties are unable to reach an agreement to maintain the tenancy while the repair is undertaken.

If another Application under section 49.2 of the Act is contemplated, I strongly encourage the parties to review Residential Tenancy Policy Guideline 2B: *Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use* with particular attention paid to section H and Appendix A.

Conclusion

The Landlord's application was withdrawn and dismissed with 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: February 28, 2025

Residential Tenancy Branch