



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, CNE

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a Notice to End Tenancy cancelled.

Background and Evidence

The applicant/tenant admitted that on August 6, 2009 he received notice of termination of his employment and a one month Notice to End Tenancy.

The applicant argued that:

- The landlord did not follow Employment Standards Act in terminating his employment, and therefore he does not feel that his employment has been terminated.
- The landlords did not follow the Strata Properties Act, because they did not have a quorum in their vote to terminate his employment as one member has now rescinded their vote.

The applicant is therefore requesting that the Notice to End Tenancy been set aside.

The respondent's testified that:

- The tenant's employment has been properly terminated and that Residential Tenancy Act has no jurisdiction to make a determination as to the validity of the termination.
- The tenant's employment was dealt with in the strata council meeting on July 27, 2009, it was moved and seconded that his employment would be terminated and the motion carried.
- There was a quorum present for the vote and there has been no one rescind a vote.

It is the landlord's position therefore that the tenants employment has been terminated and since they need the caretakers suite for a new caretaker the Notice to End Tenancy is a valid notice and should not be cancelled.

Analysis

It is my finding that the landlords have shown that the applicant's employment has been terminated, and they have also shown that this suite is needed for the new caretaker.

The applicant has argued that the landlords did not follow the Employment Standards Act; however I have no authority to make a finding under the Employment Standards Act, and the tenant has not produced any finding from a proper authority, cancelling the termination.



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The tenant has also argued that one of the Strata Council members rescinded their vote to terminate his employment, however again he has provided no evidence to support this claim.

I therefore uphold the Notice to End Tenancy.

Conclusion

This application is dismissed without leave to reapply, and I have issued an Order of Possession to the landlords for 1 p.m. on September 30, 2009.

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: September 28, 2009.

Dispute Resolution Officer