



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 an application by the tenants to cancel a notice to end tenancy for landlord's use. One tenant, an advocate for the tenant, an agent for the tenant and four agents for the landlord participated in the teleconference hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Background and Evidence

The tenants reside in a four-bedroom unit in a 125-unit complex. On June 24, 2011, the landlord served the tenants with a notice to end tenancy for landlord's use. The notice indicates that the reason for ending the tenancy is that the landlord intends to convert the rental unit for use by a caretaker of the residential property.

The landlord's evidence was as follows. The landlord is making some staffing changes and management restructuring, and they have hired a couple with three children as their new resident caretakers of the rental complex. The current caretaker's unit is not adequate for a family of five, so the landlord needed to find an appropriate four-bedroom unit for the new caretakers. The landlord chose the tenants' unit because of its' adequate size and its proximity to the complex's site office. In the hearing the landlord verbally requested an order of possession effective August 31, 2011.

The tenants' response was as follows. Of the four-bedroom units in the complex, the tenants' rental unit is not the closest to the site office; there are three or four other closer units. Furthermore, the landlord manages the property under an agreement from BC Housing. Part of that agreement states that household size should be in accordance with "standard occupancy guidelines." Therefore, two of the new caretakers' children could share a bedroom, and the caretakers could be adequately housed in a three-bedroom unit. Finally, the landlord has found temporary alternate housing for the

caretakers at another site, so the landlord could wait until a different four-bedroom unit becomes available.

Analysis

In considering the evidence, I find that the notice to end tenancy is valid. The landlord has chosen to hire new on-site caretakers, and the landlord has determined that the tenants' rental unit is appropriate to convert for the new caretakers' use. There is no requirement under the *Residential Tenancy Act* for the landlord to choose the unit that is the closest to the site office, or of a particular size, or to justify their choice otherwise. I find no evidence of an underlying bad faith motive by the landlord to evict the tenants.

As the landlord verbally requested an order of possession in the hearing, I must grant an order of possession.

As the tenants' application was not successful, they are not entitled to recovery of their filing fee for the cost of their application.

Conclusion

The tenants' application is dismissed.

I grant the landlord an order of possession effective August 31, 2011. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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 4, 2011.

Residential Tenancy Branch