



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPC, FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a 30-day Notice to End Tenancy for cause served in person on July 30, 2008.

Despite being served with the Notice of Hearing dated August 18, 2008, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and, if so, the effective date.

Background and Evidence

During the hearing, the landlord presented a copy of a letter dated June 24, 2008 from a Bylaw Officer from the Corporation of the City of New Westminster ordering that the rental building be vacated and restored to its original configuration as a single family dwelling.

He further gave evidence that the rental building had been divided into eight rental units and all except the subject unit were now vacant as directed.

Section 47(1)(k) of the *Act* provides that a landlord may give a Notice to End Tenancy for cause in circumstances in which it is necessary to do so to comply with an Order of a municipal, provincial or federal authority.

The landlord is now in a position in which he could face a fine for each day during which he is not in compliance with the city's order.

Analysis

I find that the Notice to End Tenancy of July 30, 2008 was lawfully and properly served and the landlord is entitled to an Order of Possession. The landlord requested that such order set an effective date of September 26, 2008.

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective at 1 p.m. on September 26, 2008 for service on the tenant.

September 12, 2008
