



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a Notice to End Tenancy.

The hearing was conducted via teleconference and was attended by the tenant and the landlord's agent.

Issues(s) to be Decided

The issue to be decided is whether the tenant is entitled to disregard and cancel a 1 Month Notice to End Tenancy for Cause, pursuant to Sections 47 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord had issued a 1 Month Notice to End Tenancy for Cause on September 28, 2010 with an effective vacancy date of October 30, 2010, citing the rental unit must be vacated to comply with a government order.

The landlord submitted a copy of a letter addressed to the landlord dated September 15, 2010 from the local by-law enforcement department indicating the property had rental units that were not allowed without a permit and the landlord must either make an application to retain a rental unit or to restore the building to a single family dwelling.

The landlord testified that they have not yet decided what they plan to do with the property, including the potential of selling the residential property.

Analysis

Section 47 of the *Act* allows a landlord to end a tenancy if the rental unit must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority.

From the letter submitted by the landlord from the local by-law enforcement, I find the landlord has been provided with options to consider and decided upon by the local

authority but has not yet been given an order that requires the rental unit be vacated by the tenant.

Conclusion

I grant the tenant's application and find the 1 Month Notice to End Tenancy for Cause to be premature, I further find the tenancy to remain in full force and effect.

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: November 02, 2010.

Dispute Resolution Officer