



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by one of the tenants, the landlord and her legal counsel.

The landlord did not request an order of possession during the hearing.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenants have been residing in the rental unit since 1998 and both parties testified that they would like to have the tenancy continue. However, in August 2010 the landlord received an order from the local district that she had to dismantle the rental unit.

The landlord has since that time been trying to work the issues out with the district until ultimately she was given until March 1, 2011 to have the rental unit vacated. On January 24, 2011 the landlord issued the tenants a 1 Month Notice to End Tenancy for Cause with a effective vacancy dated of March 1, 2011 citing that the rental unit must be vacated to comply with a government order.

The tenants do not dispute the landlord has been served such an order but indicate they require more time to move out and are seeking to end the tenancy later in the year, in part, because the tenants' child is enrolled in a special program that they do not want to disturb.

The landlord noted that she is not in a position to negotiate a later vacancy date. The landlord's legal counsel read into evidence a letter from the district indicating that the

landlord will be fined every day after March 1, 2011 that the rental unit is occupied by a tenant.

Analysis

As the tenant does not dispute the cause associated with the 1 Month Notice to End Tenancy for Cause issued on January 24, 2011 and as the notice itself is compliant with Sections 47 and 52 of the *Act*, I find the landlord's 1 Month Notice to be of full force and effect.

Conclusion

For the reasons noted above, I dismiss the tenants' Application in its entirety.

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 11, 2011.

Residential Tenancy Branch