



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for cause.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has a 1 Month Notice to End Tenancy been issued and served in accordance with the *Residential Tenancy Act*?
2. If so, has the Tenant made application to dispute the Notice?

Background and Evidence

This month to month tenancy has been in effect since February 3, 2010. Rent is payable on the first of each month in the amount of \$525.00 and on approximately February 3, 2010 the Tenant paid \$250.00 as the security deposit.

The Landlord affirmed that in mid July 2011 the municipality conducted a building inspection and advised him that they would be shutting down the property as it did not conform to their requirements. The Landlord then served the Tenant with a 1 Month Notice to End Tenancy, in person on August 11, 2011 and wrote the effective date as November 30, 2011 to allow the Tenant time to relocate. The Landlord received a letter yesterday from the municipality which states they are pulling the occupancy permit effective immediately.

I instruct the Landlord to provide the *Residential Tenancy Branch* a copy of this letter before close of business today; failing to do so would result in my dismissing the Landlord's application.

The Tenant confirmed that he received the 1 Month Notice and that he has already found another rental unit. He is however waiting for them to finish painting his new unit before he can move in. A discussion followed whereby the Tenant stated he may be relocated on or before October 31, 2011.

Analysis

The Landlord has failed to provide a copy of the letter issued by the municipality to the *Residential Tenancy Branch* as instructed to do so. Therefore, I hereby dismiss the Landlord's request for an Order of Possession.

Conclusion

I HEREBY DISMISS the Landlord's application.

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: October 11, 2011.

Residential Tenancy Branch