



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy that was given for cause.

### Background and Evidence

On August 31, 2012 landlords posted Notice to End Tenancy on the door of the rental unit that stated:

- Rental unit/site must be vacated to comply with a government order.

The landlords based this notice on the fact that a Stop Work Order has been issued for this property, plus the City of Kelowna Building and Permitting Branch Manager has voiced his concern that the rental unit is occupied without the appropriate approvals.

The landlords further stated that there is no Occupancy Permit in place for this property, nor can one be issued at this time.

### Analysis

It is my finding that the landlords have not met the burden of proving that this unit must be vacated to comply with a government order.

There is nothing in the Stop Work Order that states that the unit must be vacated, and although the City has expressed concerns that the unit is occupied, they have not specifically issued an order requiring that the unit be vacated.

Conclusion

I Order that this Notice to End Tenancy dated August 31, 2012 is hereby canceled and this tenancy continues.

I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct \$50.00 from future rent payable to the landlord.

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 04, 2012.

---

Residential Tenancy Branch