



# 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 the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause pursuant to section 55;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 1:50 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. Ms. L.U., with City of Vancouver Inspections department, attended as a witness on behalf of the landlord.

The landlord testified that on March 24, 2016, he personally served the tenant's neighbor Mr. S, with a copy of the Application for Dispute Resolution and Notice of Hearing as the tenant was not home on this day. The landlord testified that on the following day, March 15, 2016 he confirmed with the tenant that he had received the Application and Notice from Mr. S.

Section 71(2)(c) of the Act provides the Director the authority to order that a document is sufficiently given or served for the purposes of the Act, in cases where it has not been served in strict accordance with section 88 or 89 of the Act. Although the tenant was not served personally by the landlord, I am satisfied that the tenant was sufficiently served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing on March 25, 2016 through a neighboring tenant. I accept the landlord's testimony that he confirmed with the tenant that the documents had been received. The hearing proceeded in the absence of the tenant.

### Issues

Is the landlord entitled to an order of possession for cause?

### Background and Evidence

A written tenancy agreement was not on file. The landlord testified that when it purchased and took over the property in December 2015, the tenancy was already in place on a month-to month basis with a monthly rent of \$600 payable on the 1<sup>st</sup> day of each month. The tenant occupies a unit in the basement of the building.

On March 18, 2016, the City of Vancouver issued an order to the landlord requiring it to immediately vacate the basement dwelling units due to unsafe conditions. Ms. L.U. testified that a copy of the City of Vancouver Order was hand delivered by the city to the tenant on March 21, 2016. A copy of the City's order dated March 18, 2016 was provided on file.

The landlord testified that the 1 Month Notice to End Tenancy for Cause was served personally to the tenant at the same time and in the same manner as the Application for Dispute Resolution and Notice of Hearing.

### Analysis

Pursuant to section 71(2)(c) of the Act, I am satisfied that the tenant was sufficiently served with the 1 Month Notice to End Tenancy for Cause on March 25, 2016 through a neighboring tenant.

I am satisfied that the landlord had sufficient grounds to issue the 1 Month Notice and obtain an end to this tenancy for cause. Pursuant to section 47(1)(k) of the Act, a landlord may end a tenancy by giving notice to end the tenancy if the rental unit must be vacated to comply with an order of a municipal government authority. The landlord provided a copy of the order issued by the City of Vancouver requiring it to immediately vacate the basement dwelling units due to unsafe conditions. The tenant has not made application pursuant to section 47(4) of the Act within ten days of receiving the 1 Month Notice. In accordance with section 47(5) of the Act, the tenant's failure to take this action within ten days led to the end of his tenancy on the effective date of the notice. In this case, this requires the tenant to vacate the premises by April 30, 2016.

The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit by April 30, 2016, the landlord may enforce this Order in the Supreme Court of British Columbia.

### Conclusion

I grant an Order of Possession to the landlord effective **April 30, 2016**. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: April 27, 2016

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Residential Tenancy Branch