



# Dispute Resolution Services

Page: 1

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. All named parties attended the hearing. The tenant acknowledged service of the application for dispute resolution including all evidence before me. Ms. L.U., with City of Vancouver Inspections department, attended as a witness on behalf of the landlord.

### Issues

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

### Background and Evidence

The tenancy began approximately 5 years ago with a current monthly rent of \$600 payable on the 1<sup>st</sup> day of each month. 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. 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 on March 24, 2016 he personally served the tenant with the 1 Month Notice to End Tenancy for Cause. The tenant acknowledged that he received this notice on March 24, 2016 but testified that at the time he only received the first page of the notice. The landlord testified that the two pages of the notice were stapled together upon service to the tenant. The tenant acknowledged receiving both pages stapled together but states this was not until April 23, 2016.

### Analysis

I am satisfied that the tenant was personally served with the 1 Month Notice to End Tenancy on March 24, 2016, pursuant to section 88 of the Act. There was an issue of credibility with respect to whether or not the landlord served both pages of the notice to the tenant and when this service occurred. I accept the landlord's testimony and find it is more probable than not that the landlord served both pages of the Notice on March 24, 2016. The landlord provided a copy of the Notice which is dated March 23, 2016 and the copy on file includes both pages of the Notice. All documents on file were served on the tenant well before the April 23, 2016 date provided by the tenant so I find the tenant is likely mistaken about the date on which he received both pages of the Notice.

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** on the tenant. 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 25, 2016

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Residential Tenancy Branch