



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes OPC

### Introduction

This hearing was convened in response to an application by the landlord made September 05, 2017 under the *Residential Tenancy Act* (the Act) for an Order of Possession pursuant to a One Month Notice to end for Cause (the Notice). The hearing was conducted by conference call.

The landlord attended the hearing. I accept that although the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing personally handed to the tenant on September 07, 2017 the tenant did not call into the conference and did not participate in the hearing. The landlord was given full opportunity to be heard, to present all evidence and to make submissions. The landlord confirmed providing all of the relevant evidence they wished to present.

### Issues(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord's undisputed relevant evidence is as follows. The landlord testified that on July 31, 2017 the tenant was personally served with a One month Notice to End Tenancy for Cause pursuant to **Section 47(1)(b)&(k)**, with an effective date of August 31, 2017. The landlord submitted a proof of service document stating the landlord's agent in attendance personally left the Notice to End with the tenant on July 31, 2017. I have benefit of a copy of the Notice which the landlord testified and confirmed to me is a copy of the same notice they gave the tenant. The tenant did not file an application to dispute the Notice and they continue to reside in the unit.

The landlord's Notice claims the tenant has been repeatedly late paying rent, however the landlord did not provide any evidence in support of this reason for cause to end the tenancy.

The landlord's Notice states the unit must be vacated to comply with a government order. The landlord testified that in early 2017 they received a letter from their local City government of which I have benefit of a copy which the landlord acknowledged is in respect to their unregistered rental unit and the landlord's obligation to pay a fee for their rental unit. The landlord testified they have been in discussions with the

City, however they have not received communication from the City *ordering* the landlord to vacate the rental unit nor have they received from the City, under other terms or language, communication that they must render the rental unit vacant.

### **Analysis**

*The full text of the Act, Regulation and other resources, can be accessed via the Residential Tenancy Branch website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant).*

I find that the landlord's evidence is clear that they have not been given, nor otherwise been provided, orally or in writing, with an order that the rental unit must be vacated so as to lend validity to the landlord's reason to end the tenancy pursuant to a government order that the rental unit must be vacated. I find that the landlord also has not provided me with evidence to support any other reason for issuing the one month Notice. Moreover, I find that the landlord's Notice to End dated July 31, 2017 is absent the landlord's signature and therefore does not comply with **Section 52** of the Act so to be effective to end the tenancy.

As a result of all of the above, I find that the landlord has not provided cause to end the tenancy and further that their Notice is not valid. I find that the landlord is not entitled to an Order of Possession with further result that their application is **dismissed**.

### **Conclusion**

The landlord's application is dismissed.

**This Decision is final and binding.**

*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: November 27, 2017

---

Residential Tenancy Branch