



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SKYPEIA REAL ESTATE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a notice to end tenancy. Although the tenant indicated in their application that they are disputing a Four Month Notice to End Tenancy, the notice to end tenancy they received was a One Month Notice to End Tenancy for Cause (the "Notice"), issued on October 5, 2019.

I have amended the tenant's application to reflect the proper notice they received.

The landlord's agent appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions at the hearing.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

Issues to be Decided

Should the Notice be cancelled?

Background and Evidence

The tenant acknowledged in their application for dispute resolution that they receive the Notice, on October 5, 2019. The effective vacancy date stated in the Notice requires the tenant to vacate the rental unit on November 27, 2019.

The reason stated in the Notice was that:

- The rental unit must be vacated to comply with a government order.

The landlord's agent stated that the owner received a letter from the municipality that the rental unit must be removed, as it does not conform to the bylaws.

Filed in evidence is a letter from the municipality that supports the rental unit must be vacated, and the rental unit removed. The letter further shows that if the owner does not comply, the landlord will be subject to penalties.

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Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

How to end a tenancy is defined in Part 4 of the Act. Section 47(1) of the Act a landlord may end a tenancy by giving notice to end the tenancy.

I have considered all of the written and oral submissions submitted at this hearing, I find that the landlord has provided sufficient evidence to show that the rental unit must be vacated in accordance with a government order. This is supported by the letter of compliance.

I find the Notice issued on October 5, 2019, has been proven by the landlord and is valid and enforceable. Therefore, I dismiss the tenant's application to cancel the Notice. The tenancy will end on November 27, 2019 in accordance with the Act.

Since I have dismissed the tenant's application, I find that the landlords are is entitled to an order of possession effective **November 27, 2019, at 1:00 P.M.** This order must be

served on the tenant and may be filed in the Supreme Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant's application to cancel the Notice, issued on October 5, 2019 is dismissed. The landlord is granted an order of possession.

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 15, 2019

Residential Tenancy Branch