



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid utilities, pursuant to sections 46 and 55; and
- authorization to recover the filing fee from the tenants, pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord testified that he served the tenants with his application for dispute resolution via registered mail on June 17, 2020. A Canada Post receipt stating same was entered into evidence. I find that the tenants were served in accordance with section 89 of the *Act*.

Preliminary Issue

The landlord testified that he personally served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities on June 2, 2020 (the "10 Day Notice").

Section 3 of Ministerial Order # M089 made under the *Emergency Program Act* states:

Despite sections 44 (1) (a) (ii) to (vi) and sections 46 to 49.1 of the Residential Tenancy Act or any other section of the Residential Tenancy Act, the Residential Tenancy Regulation or any term of a tenancy agreement, a landlord must not give a tenant a notice to end the tenancy during the period this order is in effect.

Ministerial Order # M089 was in effect March 30, 2020 to June 23, 2020.

I find that the 10 Day Notice was served on the tenants' contrary to section 3 of Ministerial Order # M089 and is therefore of no force or effect. Pursuant to my above finding, I dismiss the landlord's application for dispute resolution, without leave to reapply.

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: July 13, 2020

Residential Tenancy Branch