



# 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 sections 47 and 55.

The landlord was represented at the hearing by HR who identified himself as the property manager for the rental unit. HR was assisted by KZ who provided assistance in interpreting. The tenant attended the hearing. As both parties were present, service of documents was confirmed. The tenant confirmed receipt of the landlord's Application for Dispute Resolution and stated there was no concern with timely service of documents.

### Issue to be decided

Should the One Month Notice To End Tenancy for Cause be upheld or cancelled?

### Background and Evidence

The landlord served the tenant with a One Month Notice To End Tenancy for Cause on June 16, 2020 by attaching a copy of it to the tenant's door. A signed, witnessed proof of service document was filed as evidence by the landlord.

A copy of the notice to end tenancy was also provided as evidence. It is signed and dated June 16, 2020.

### Analysis

In response to the global Covid-19 pandemic, the Minister of Public Safety and Solicitor General for British Columbia issued Ministerial Order MO 89/20, the Residential Tenancy (Covid-19) Order on March 30, 2020. (hereinafter called the Covid-19 order).

Section 3(1) of the Covid-19 order 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.** (emphasis added)*

On June 24, 2020, the Minister of Public Safety and Solicitor General replaced the order with Ministerial Order M195/20 and once again allowed landlords to give tenants notices to end tenancies for any reason other than unpaid rent.

This notice to end tenancy was served upon the tenant on June 16, 2020, during the timeframe when the Covid-19 order was in effect (from March 30 to June 23, 2020). As such, the landlord was prohibited from giving the tenant a notice to end tenancy. This notice is therefore invalid. I dismiss the landlord's application for an Order of Possession based on this Notice without leave to reapply.

#### Conclusion

The landlord's application is dismissed 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: August 18, 2020

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Residential Tenancy Branch