



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ACTION PROPERTY MANAGEMENT and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord filed under the Residential Tenancy Act (the “Act”) to enforce a One Month Notice to End Tenancy for Cause (the “Notice”) issued June 8, 2020, and to recover the filing fee for his application. The matter was set for a conference call.

The Landlord, the Landlord’s Agent, the Property manager (the “Landlord”) and the Tenant with a support person (the “Tenant”) attended the hearing and were each affirmed to be truthful in his testimony. The Landlord and the Tenant were provided with the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issues to be Decided

- Is the Landlord entitled to an order of possession, pursuant to section 47 of the *Act*?
- Is the Landlord entitled to the recovery of the filing fee for this application?

Background and Evidence

The Landlord testified that they issued the Notice on June 8, 2020. The Landlord submitted a copy of the Notice into documentary evidence.

Analysis

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

The Provincial Government declared a state of emergency on March 18, 2020, in response to the COVID-19 pandemic. Pursuant to the Emergency Order, all notice to end tenancy were suspended between March 30, 2020, to June 23, 2020.

I accept the Landlord's testimony that the Notice was issued on June 8, 2020, during the Emergency Order suspension period.

As this Notice was issued during the suspension period, I find that this Notice is of no force and effect, and I dismiss the Landlord's application for an order of possession.

Additionally, section 72 of the Act gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Landlord had not been successful in this application, I find that the Landlord is entitled not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Landlord's application in its entirety.

The tenancy will continue until ended in accordance with the Act.

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: September 17, 2020

Residential Tenancy Branch