



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc.
and [tenant name suppressed to protect privacy]

AMENDED DECISION

Dispute Codes OPC

Introduction

This hearing was convened to address a claim by the landlord for an order of possession. Both parties participated in the conference call hearing.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The parties agreed that on or about September 18, 2014, the tenant was served with a one month notice to end tenancy for cause (the "Notice"). The tenant did not dispute the Notice.

The landlord did not submit a copy of the Notice into evidence and at the hearing admitted that this was an oversight. I told the landlord that I would accept the Notice by fax within 1 day of the hearing. The landlord faxed the Notice to the Residential Tenancy Branch on the same day.

Analysis

I find that the tenant received the Notice on September 18, 2014. The tenant did not dispute the Notice and pursuant to section 47(5) is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I find that the landlord is entitled to an order of possession. As the effective date of the Notice has already passed, I find it appropriate to order that the tenancy end on January 31, 2015 and I issue the landlord an order of possession effective on that date. The order must be served on the tenant and may be filed in the Supreme Court for enforcement if required.

Conclusion

The landlord is granted an order of possession effective January 31, 2015.

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: December 22, 2014

Residential Tenancy Branch

This decision is amended pursuant to section 78(1) of the Residential Tenancy Act this 6th day of January, 2015.

