



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with an application by the landlord for an order of possession. Both parties participated in the conference call hearing.

At the hearing the tenant advised that his name had been spelled wrong on both the notice to end tenancy and the application for dispute resolution. The tenant acknowledged that he knew that both of those documents were for him and I found that the tenant had suffered no prejudice as a result of the misspelling. The style of cause in this decision and order reflect the correct spelling of the tenant's name.

The landlord did not originally apply for an order of possession, but rather checked the box marked "other" on the application. In the details of the dispute, however, the landlord indicated that the tenant had not complied with a notice and the landlord also included a copy of the notice to end tenancy with his application. The tenant appeared at the hearing and clearly knew that the application was intended to deal with the end of his tenancy. I found it appropriate to amend the landlord's application to indicate a claim for an order of possession based on a notice to end tenancy for cause.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The facts are not in dispute. On April 21, 2011 the tenant was served with a one month notice to end tenancy for cause. The tenant did not formally dispute the notice although he had a number of discussions with the landlord.

### Analysis

I find that on April 21 the tenant was served with a notice to end tenancy for cause. The tenant did not apply for dispute resolution to dispute the notice and is therefore

conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

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 *Manufactured Home Park Tenancy Act*.

Dated: June 22, 2011

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Residential Tenancy Branch