



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC FF

### Introduction

This hearing dealt with the landlord's application for an order of possession pursuant to an undisputed notice to end tenancy for cause. The landlord had also applied for recovery of the filing fee, but in the hearing they withdrew that portion of their application. An agent for the landlord, the tenant and an agent for the tenant participated in the teleconference hearing.

At the outset of the hearing, the tenant confirmed that she had received the landlord's application. Both parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant the notice to end tenancy?

### Background and Evidence

On November 27, 2013 the landlord personally served the tenant with a notice to end tenancy for cause. The landlord's agent stated that they were not aware of any application by the tenant to cancel the notice. The landlord requested an order of possession effective February 28, 2014.

The tenant stated that she filed an application to dispute the notice but she missed the hearing because her common-law husband passed away. The tenant could not provide any file number or other evidence regarding an application to cancel the notice to end tenancy dated November 27, 2013.

During the hearing I checked on the RTB case management system and only found that a hearing took place on January 15, 2013 pursuant to an application by the tenant to cancel a notice to end tenancy for cause, and the tenant had failed to attend that hearing. The tenant stated that she could not recall whether she had made such an application in January 2013.

### Analysis

I find that the landlord is entitled to an order of possession. The tenant confirmed that she was served with the notice to end tenancy, and she did not provide any supporting evidence to indicate that she applied to cancel the notice dated November 27, 2013.

### Conclusion

I grant the landlord an order of possession effective February 28, 2014. 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.

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: February 17, 2014

---

Residential Tenancy Branch

