



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **Decision**

### **Dispute Codes:**

#### **OPR, MNR, Introduction**

This application was brought by the landlord seeking an Order of Possession and a monetary order based on a One-Month Notice to End Tenancy for Cause that was upheld at a previous hearing on March 25, 2013. The tenant had applied to obtain an order to cancel the Notice and was not successful.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

#### **Issue(s) to be Decided**

The issues to be determined are:

Is the landlord is entitled to an Order of Possession?

#### **Background and Evidence**

The landlord submitted into evidence a copy of a dispute resolution dated March 24, 2014 dismissing the tenant's application to cancel a One Month Notice to End Tenancy for Cause.

The tenant argued that, because the landlord had since accepted rent for the month of April 2014, the tenancy was reinstated.

However the landlord testified that the rent was accepted "for use and occupancy only" and therefore it was made clear that the tenancy would not be reinstated.

#### **Analysis**

I find that the decision of March 24, 2014 dismissing the tenant's application to cancel the One-Month Notice to End Tenancy for Cause automatically entitled this landlord to an Order of Possession under provisions of section 55(1)(a) of the Act.

Accordingly, I find that I must issue an order of possession when a Notice to End Tenancy has been upheld.

In regard to the tenant's allegation that the tenancy was reinstated by the fact that rent was paid, I accept the landlord's testimony that the rent was accepted for use and occupancy only, and this fact was made clear to the tenant.

I hereby grant the landlord an Order of Possession effective May 1, 2014. The tenant must be served with the Order of Possession. Should the tenant fail to comply with the order, it may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the landlord is entitled to withhold \$50.00 from the tenant's security deposit to compensate for the cost of this application.

### **Conclusion**

The landlord is successful in the application and 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 *Residential Tenancy Act*.

Dated: April 15, 2014

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Residential Tenancy Branch

