



Dispute Resolution Services

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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:

OPC

Introduction

This Hearing was scheduled to hear the Landlord's application for an Order of Possession.

The parties gave affirmed testimony at the Hearing.

Background and Evidence

At the outset of the Hearing, the parties referred to a previous hearing on September 5, 2014, to consider the Tenant's Application to cancel a Notice to End Tenancy for Cause (the "Previous Hearing"). The Landlord's agents provided the file number for the Previous Hearing.

A search of the Residential Tenancy Branch's electronic filing system provides that the Tenant did not attend the Previous Hearing. The Landlord was represented at the Hearing. The Tenant's application to cancel the Notice to End Tenancy was dismissed without leave to reapply. The Landlords did not ask for an Order of Possession at that time.

The Landlord's agents stated that this Application is with respect to the same Notice to End Tenancy, which was served to the Tenant on June 25, 2014.

On October 3, 2014, the Tenant's Application for Review was considered. The reviewing arbitrator dismissed the Tenant's Application and the original decision was confirmed.

Analysis

The Tenant filed an application to cancel the Notice to End Tenancy, but did not attend the scheduled Hearing and his application was dismissed without leave to reapply. That decision was upheld on the Tenant's Application for Review Consideration.

Therefore, I find that the Notice to End Tenancy served June 25, 2014, is a valid Notice and that the Landlord is entitled to an Order of Possession. I find that the tenancy ended on July 31, 2014, and that the Tenant is overholding.

Conclusion

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This 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: November 18, 2014

Residential Tenancy Branch

