



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 MNSD

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for cause.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*; served by posting the hearing documents to the tenant's door on October 07, 2014. The tenant was deemed to be served the hearing documents on the third day after they were posted pursuant to s. 90(c) of the *Act*.

The landlord appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The landlord testifies that this month to month tenancy started on April 15, 2014. Rent for this unit is \$375.00 per month and is due on the first day of each month.

The landlord testifies that the tenant was served a One Month Notice to End Tenancy on August 25, 2014 in person. The Notice has an effective date of October 01, 2014 and gives the following reasons to end the tenancy:

- 1) the tenant or a person permitted on the residential property by the tenant has
 - (ii) Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
- 2) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has
 - (ii) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property,

The landlord has provided incident reports concerning violent incidents at the tenants unit in which both paramedics and police were called. This incident occurred between this tenant and another tenant living in the building along with guests of these tenants. Both tenants have been served an eviction notice

The landlord testifies that the tenant has failed to vacate the rental unit by the effective date of the Notice and has not disputed the Notice. The landlord therefore seeks an Order of Possession effective as soon as possible.

Analysis

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of that Notice about how the tenant can dispute

the Notice by filing an application for Dispute Resolution. The landlord has provided a copy of this Notice served upon the tenant on August 25, 2014. As the Notice was served upon the tenant in person it is considered to have been served on August 25, 2014. The tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 47(5) of the *Act*. The Notice indicates an effective date of October 01, 2014; however, as this date has since passed the landlord is entitled to an Order of Possession for two days after service upon the tenant pursuant to s. 55 of the *Act*.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **two days after service on the tenant**. This order must be served on the Respondent and may be filed in the Supreme Court 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 20, 2014

Residential Tenancy Branch

