



# Dispute Resolution Services

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 convened to address a claim by the landlord for an order of possession. Both parties participated in the conference call hearing.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The parties agreed that on or about September 18, 2014, the tenant was served with a one month notice to end tenancy for cause (the "Notice"). The tenant did not dispute the Notice.

The landlord did not submit a copy of the Notice into evidence and at the hearing admitted that this was an oversight. I told the landlord that I would accept the Notice by fax within 1 day of the hearing. The landlord failed to fax the Notice within one day.

### Analysis

In order to establish her claim, the landlord must prove that she served a notice to end tenancy which complies with the requirements of section 52 of the *Residential Tenancy Act*. The landlord should have submitted this evidence to the Residential Tenancy Branch in advance of the hearing and failed to do so. I gave her further opportunity to submit this evidence and she still failed to do so. While I accept that the tenant was served with some type of document, I am unable to determine whether it was a notice to end tenancy which complies with the legislation.

I therefore dismiss the application for an order of possession.

Conclusion

The application is dismissed.

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: December 22, 2014

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Residential Tenancy Branch

