



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 was a hearing with respect to the landlord's application for an order for possession pursuant to a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend although he was served with the application and Notice of hearing on December 23, 2014 by posting to the door of the rental unit. The landlord's representative testified that he has spoken to the tenant since the documents were served and the tenant acknowledged that he received the documents.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a one month Notice to End Tenancy for cause dated October 7, 2014?

Background and Evidence

The rental unit is a room in a residential hotel in Vancouver. The landlord's representative testified that the tenant was served with a one month Notice to End Tenancy for cause dated October 7, 2014. The Notice to End Tenancy was served by posting to the door of the rental unit on October 7, 2014. The Notice required the tenant to move out of the rental unit by November 30, 2014.

The tenant did not apply to cancel the Notice to End Tenancy and he has not moved out of the rental unit. The landlord provided documentary evidence concerning the grounds for the Notice to End Tenancy. The landlord claimed that the tenant has interfered with and unreasonably disturbed other occupants and damaged the landlord's property.

The landlord's representative testified that he has made efforts to secure other suitable accommodation for the tenant and has tried to convince the tenant to accept an

alternative rental unit so that the tenant will not be left homeless if an order for possession is granted. The landlord's representative requested that an order for possession be granted to be effective February 28, 2015 so as to provide the tenant with an opportunity to accept the landlord's relocation assistance.

Analysis

Section 47 of the Act provides that upon receipt of a Notice to End Tenancy for cause the tenant may, within 10 days, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not apply to cancel the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis and as requested by the landlord, I find that the landlord is entitled to an order of possession effective February 28, 2015, after service on the tenant. This order 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: January 21, 2015

Residential Tenancy Branch

