



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Witmar Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord testified that she served the tenants with the application for dispute resolution and notice of hearing (the “Hearing Documents”) by placing the Hearing Documents under the door of the rental unit. I found that the tenants had notice of the claim against them and the hearing proceeded in their absence.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord’s undisputed evidence is as follows. On November 10, 2014, the landlord served the tenants with a 1 month notice to end tenancy for cause (the “Notice”) by placing the Notice under the door of the rental unit. The Notice required that the tenants vacate the rental unit by December 31, 2014. On November 18, the tenant S.B. signed a mutual agreement to end tenancy in which she agreed that the tenancy would end on December 31. The tenants did not vacate the rental unit on the last day of the tenancy and did not apply to dispute the Notice.

Analysis

I accept the landlord’s undisputed testimony and I find that the tenants received the Notice on November 13, 2014, 3 days after it was placed under their door. I further find that the tenants agreed to end the tenancy on December 31, 2014. As the tenants agreed to end the tenancy and as they did not apply for dispute resolution to dispute the Notice, I find that they are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I find that the landlord is entitled to an order

of possession and I grant her that order, which may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord 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: February 10, 2015

Residential Tenancy Branch

