



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for Unpaid Rent; and to recover the cost of the filing fee from the Tenants.

The parties gave affirmed testimony at the Hearing.

The Tenants acknowledged receipt of the Landlord's Notice of Hearing documents.

Preliminary Matter:

At the outset of the Hearing, the Landlord testified that the Tenants have paid the rent for February, 2015, and he withdrew his application for a Monetary Order.

There was no copy of the Notice to End Tenancy for Landlord's Use on the case file. The Landlord testified that he had taken copies of the Notice at a local business and returned to the Residential Tenancy Branch, providing a copy to the Branch. The Landlord stated that the information officer took the copy.

The Tenants acknowledged receipt of the Notice "in late January". The Landlord's agent stated that she served the Tenants with the Notice by handing the document to the Tenants on January 22, 2015.

I allowed the Landlord's agent to fax in a copy of the Notice and the Hearing continued with respect to the remainder of the Landlord's application.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Tenants stated that the Notice was incomplete because:

1. The Notice is not dated.
2. The address given for the rental unit is incorrect on the Notice.

The Tenants stated that they are not disputing the Notice and that they have been provided with compensation pursuant to the provisions of Section 51 of the Act (the equivalent of one month's rent).

The Landlord's agent stated that the address for the rental unit on the Notice to End Tenancy is the "legal address" of the 5.5 acre property, on which there are two residences. She stated that she provided the "legal address" of the property on the Notice because the dispute address is the address that occupants of the rental unit use for ease of reference.

The Tenants acknowledged that there are two buildings on the residential property.

Analysis

Based on the testimony of both parties, I accept that the Landlord served the Tenant with the Notice to End Tenancy on January 22, 2015. Pursuant to the provisions of Section 68 of the Act, I amended the Notice to reflect the date of issuance of January 22, 2015. I find that it is reasonable to do so, because the Tenants did not file for dispute resolution to cancel the Notice, within 15 days of receiving the Notice, and testified that they have accepted the Notice.

I find that the Landlord is entitled to an Order of Possession effective March 31, 2015.

I make no Order with respect to recovery of the cost of the filing fee from the Tenants.

Conclusion

I hereby provide the Landlords an Order of Possession effective **1:00 p.m., March 31, 2015**. 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: March 19, 2015

Residential Tenancy Branch

