



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession.

The applicant(s) testified that the respondent was served with notice of the hearing by posting the documents on the tenant's door on September 5, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents posted on the door are deemed served three days after posting, and therefore it is my finding that the respondent has been properly served with notice of the hearing and I conducted the hearing in the respondent's absence.

The parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the landlords have established the right to an Order of Possession.

Background and Evidence

This tenancy began on September 1, 2014.

On March 27, 2015 the landlord posted a one month Notice to End Tenancy for cause on the tenant's door, with an effective date of May 1, 2015.

The tenant filed a dispute of the Notice to End Tenancy and the hearing was held on May 13, 2015 by conference call.

The Arbitrator from the May 13, 2015 hearing issued a decision on May 14, 2015 upholding the Notice to End Tenancy and ordering that the tenant returned vacant possession to the landlords no later than May 31, 2015.

At today's hearing the applicants testified that the tenant has failed to return vacant possession even though they have made numerous attempts to get the tenant to comply with the previous arbitrator's decision.

The applicants further testified that the tenant is still in the rental unit and is still refusing to leave and therefore they are requesting that an Order of Possession be issued for as soon as possible.

Analysis

It is my finding that the applicants to have the right to an Order of Possession because the tenants application to have the Notice to End Tenancy canceled was dismissed and the Arbitrator from that hearing ordered that the tenant vacate no later than 1 PM on May 31, 2015.

I accept the landlord's testimony that they have attempted to get the tenant to comply with the Arbitrator's decision and that the tenant has failed to do so.

I therefore allow the request for an Order of Possession for as soon as possible.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

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 03, 2015

Residential Tenancy Branch

