



# 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 hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on December 16, 2019. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a One Month Notice to End Tenancy for Cause

The Landlord's Agent (the "Landlord") provided testimony at the hearing. The Tenant did not attend the hearing.

The Landlord testified that she sent, by registered mail, a copy of the Notice of Hearing along with supporting documentary evidence to the rental unit on October 29, 2019. Proof of mailing was provided. Pursuant to sections 88 and 90 of the *Act*, documents served in this manner are deemed to be received 5 days later. I find the Tenant is deemed to have received the Notice of Hearing on November 3, 2019.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

#### Issue to be Decided

- Is the landlord entitled to an order of possession under the *Act*?

#### Background and Evidence

The Landlord testified that she served the Tenant with a One Month Notice to End Tenancy for Cause (the Notice), in person, on July 12, 2019. A proof of service document was uploaded, and this service was witnessed by a third party.

The Notice indicates several reasons for ending the tenancy. The Landlord stated that the Tenant has paid rent until the end of the month and she is looking for an order of possession for December 31, 2019.

### Analysis

Based on the testimony and documentary evidence, and on a balance of probabilities, I find:

Section 47 of the *Act* permits a landlord to end a tenancy for cause. A tenant who receives a notice to end tenancy for cause has 10 days after receipt to dispute it by making an application for dispute resolution. Failure to dispute the notice to end tenancy for cause in this period results in the conclusive presumption that the tenant has accepted the end of the tenancy.

In this case, the Landlord issued the Notice for several reasons. Based on the Landlord's testimony and the Proof of Service document submitted, I am satisfied that the Tenant was served with the Notice, in person, on July 12, 2019. I find the Tenant received the Notice that day.

The Tenant had 10 days, until July 22, 2019, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the *Act*, I find the Tenant is conclusively presumed to have accepted the end of the tenancy.

The Landlord is entitled to an order of possession, which will be effective on December 31, 2019, at 1:00 p.m.

### Conclusion

The landlord is granted an order of possession effective **December 31, 2019**, at 1:00 p.m. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: December 16, 2019

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Residential Tenancy Branch