

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the "Act") to hear this matter and decide the issues.

The Landlord's agent gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matter

This is the Tenant's application to cancel the One Month Notice to End Tenancy for Cause. On the application of both parties, this Hearing was rescheduled from January 29, 2009, in order to allow the Tenant to provide evidence to the case file and to the Landlord, and for the Landlord to arrange for a witness to be available.

The rescheduled hearing was set for 10:30 a.m., March 13, 2009, via teleconference. At 10:40 a.m. the applicant had not signed into the teleconference.

Therefore, I dismissed the Tenant's application without leave to reapply.

Pursuant to Section 55(1) of the Residential Tenancy Act, the Landlord requested an Order of Possession and the Hearing proceeded on the Landlord's application.

Issue(s) to be Decided

- (1) Is the Landlord entitled to an Order of Possession?

Background and Evidence

Landlord's evidence

The Landlord's agent testified that on December 20, 2008, he personally served the Tenant with a copy of the One Month Notice to End Tenancy dated December 19, 2008, at the rental unit.

The Landlord's agent testified that the Notice to End Tenancy was issued because:

- The Tenant did not pay the security deposit within 30 days of the date it was required to be paid under the tenancy agreement;
- There are an unreasonable number of occupants in the rental unit;
- The Tenant, or a person permitted on the residential property by the Tenant, has significantly interfered with or unreasonably disturbed another occupant or the Landlord of the residential property; and
- The Tenant, or a person permitted on the residential property by the Tenant, has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property.

Analysis

I accept the Landlord's agent's evidence that he served the Tenant with the Notice to End Tenancy on December 20, 2008. The Tenant's application to cancel the Notice to End Tenancy has been dismissed without leave to reapply.

Therefore, pursuant to Section 55 of the Act, the Landlord is entitled to an immediate Order of Possession and I make that order.

Conclusion

Under section 55 of the Act, and based on the above facts I find that the Landlord is entitled to an Order of Possession and I hereby issue the order effective two days from service of the order. This order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

March 13, 2009
