



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: ET

Introduction

This hearing dealt with an application from the landlord for an order to end tenancy early and an order of possession. The landlord's agent participated in the hearing and gave affirmed testimony.

On April 27, 2009, the application for dispute resolution and notice of hearing package was posted on the tenant's unit door. Despite this, the tenant did not appear.

Issue to be Decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on October 1, 2006. The tenant's portion of rent in the amount of \$280.00 was payable in advance on the first day of each month and a security deposit of \$300.00 was collected on October 1, 2006.

As a result of the landlord's concerns about the conduct and behaviour of the tenant, the landlord issued a 1 month notice to end tenancy for cause. The landlord submitted into evidence a copy of the 1 month notice dated March 25, 2009 which was served in person on the tenant on March 30, 2009. The date shown on the notice by when the tenant must vacate the unit is April 30, 2009. The reason for its issuance is shown on the notice as follows:

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The landlord cited specific examples of the tenant's physical and verbal aggression in support of the application. According to the landlord's agent, the tenant is thought to have abandoned the unit in late April and her exact whereabouts is not presently known.

Analysis

Sections 47, 55 and 56 of the Act speak, respectively, to **Landlord's notice: cause, Order of possession for the landlord** and **Application for order ending tenancy early**.

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause. The tenant did not apply to dispute the notice within 10 days of having received it. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice which was April 30, 2009. Accordingly, I find that the landlord is entitled to and early end to tenancy and an order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., May 5, 2009**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: May 4, 2009

Dispute Resolution Officer