



Dispute Resolution Services

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

Decision

Dispute Codes: MT, CNC, FF

Introduction

This hearing dealt with the tenant's application for more time to make an application to cancel a notice to end tenancy, cancellation of the notice itself, and recovery of the filing fee. The hearing was scheduled to commence at 11:30 a.m. on June 11, 2009. While the landlord / respondent attended the hearing at 11:30 a.m., as at 11:40 a.m. the tenant / applicant had still not appeared. At the hearing the landlord made a verbal request for an order of possession.

Issues to be Decided

- Whether the tenant is entitled to any or all of the above
- Whether the landlord is entitled to an order of possession

Background and Evidence

The landlord issued a 1 month notice to end tenancy for cause dated April 28, 2009. Reasons identified on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

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

A copy of the notice was submitted into evidence by the tenant, showing the date by when she must vacate the unit as May 31, 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenant was served with a 1 month notice to end tenancy for cause. While the tenant applied to dispute the notice within 10 days after being served, she failed to attend the hearing which was scheduled in response to her application. Accordingly, I dismiss the tenant's application and I find that the landlord is entitled to an order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. 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: June 12, 2009

Dispute Resolution Officer