

DECISION

Dispute Codes: OPC, OPR, MNR and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a one month Notice to End Tenancy for cause served on July 20, 2009. The landlord had also sought a Monetary Order for unpaid rent but withdrew that portion of the application as rent was up to date at the time of the hearing. The landlord seeks to recover the filing fee for this proceeding from the tenant.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and recovery of the filing fee for this proceeding.

Background and Evidence

This tenancy began on November 1, 2004. Rent is \$450 per month and the landlord holds a security deposit of \$195.

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served after the tenant had been involved in an altercation with a neighbouring tenant

involving police attendance and that he had subsequently uttered threat against the landlord. The landlord stated that he has a zero tolerance policy with respect to violence and the other tenant has been evicted.

The tenant stated the altercation was a matter of the neighbour being an unwanted guest in his rental unit who he escorted to the door where the other tenant fell. He said no charges were laid as a result of the incident and he stated that he had not threatened the landlord but had spoken harshly.

Analysis

Section 47(4) and (5) of the *Act*, which deals with notice to end tenancy for cause and the Notice to End Tenancy served on the tenant state that a tenant receiving such notice may file to dispute it within 10 days of receiving it. Otherwise, the tenant is conclusively presumed to have accepted that the tenancy ends on the date specified in the notice and must vacate by that date. In this instance, the tenancy was to end on August 31, 2009.

As the tenant is currently undergoing treatment, the landlord stated that he wished to be considerate of the tenant's circumstances and asked for an Order of Possession to take effect on December 31, 2009.

I find that the landlord is entitled to the Order of Possession.

I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenant and hereby authorize and order that he may retain \$50 from the tenant's security deposit for that purpose.

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective at 1 p.m. on December 31, 2009 for service on the tenant.