



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application to cancel a *1 Month Notice to End Tenancy for Cause*. The landlord appeared at the hearing and confirmed that the landlord had been served with the tenant's application. Since the tenants did not appear at the hearing and the landlord was prepared to proceed, I dismissed the tenants' application without leave to reapply. The landlord requested an Order of Possession and I proceeded to consider whether the landlord was entitled to an Order of Possession.

Issues(s) to be Decided

Is the landlord established to an Order of Possession?

Background and Evidence

The landlord testified that he learned of two dogs residing in the rental unit and on October 4, 2009 he gave the tenants a letter requiring the tenants to remove all animals from the rental unit as keeping pets was a breach of their tenancy agreement. In the letter, the landlord required the dogs to be removed by October 11, 2009. During an inspection of the rental unit, the landlord discovered urine soaked carpets, urine and fecal matter in the garage and the tenants refused to allow the landlord entry to a particular room in the rental unit. The landlord was of the belief the tenants were keeping a dog in the room the landlord was not permitted to enter.

On October 22, 2009 the landlord issued a *1 Month Notice to End Tenancy for Cause* (the Notice) and served it by placing it in the mail slot of the rental unit on October 22, 2009. The Notice indicates the reasons for ending the tenancy are that the tenants have caused extraordinary damage to the rental unit and breached a material term of the tenancy agreement that was not corrected within a reasonable amount of time after written notice to do so. The tenants disputed the Notice on October 28, 2009.

The landlord provided a copy of the Notice, the tenancy agreement, and the letter of October 4, 2009 as evidence for the hearing. The tenancy agreement stipulates that the tenants are to have no pets in the rental unit.

Analysis

Upon review of the Notice, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the tenants in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the landlord had a valid reason for issuing the Notice.

Section 55 of the Act provides that an Order of Possession must be provided to a landlord if a tenant's request to dispute a Notice to End Tenancy is dismissed and the landlord makes an oral request for an Order of Possession during the scheduled hearing.

Since the tenants' application to dispute the Notice has been dismissed, in accordance with section 55 of the Act, I grant the landlord's request for an Order of Possession. The Order of Possession must be served upon the tenants and is effective two (2) days after service upon the tenants. The Order of Possession may be filed with The Supreme Court of British Columbia and enforced as an Order of that court.

Conclusion

The tenants' application has been dismissed and the landlord's request for an Order of Possession has been granted. The Order of Possession provided to the landlord is effective two days after service upon the tenants.

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 09, 2009.

Dispute Resolution Officer