

DECISION

Dispute Codes OPC, OPB, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord applied for an order of possession. The former tenant had applied to cancel the notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord and a former tenant at the dispute address.

The former tenant attending testified that he is no longer living at the dispute address and this was confirmed by the landlord, as such the landlord's applications were amended to exclude this former tenant and the former tenant withdrew his application to cancel the notice to end tenancy.

The landlord had originally applied to obtain an order of possession for cause but amended that application to include an early end to tenancy and for unpaid rent. However, as the landlord has already issued a notice to end tenancy for cause he further amended his application to exclude the early end.

In addition the 10 Day Notice for Unpaid Rent was issued on June 2, 2010 and as such the tenant has until the end of today's date to pay the rent or to file an Application for Dispute Resolution to cancel this notice. The landlord amended his application to exclude this portion.

The landlord confirmed service of the Notice of Hearing documents for the remaining tenant was made in person pursuant to Section 88 of the Act. I am satisfied the tenant has been served with the notice of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 47, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documents into evidence:

- A tenancy agreement signed by the parties on January 13, 2010 for a 6 month fixed term tenancy for a monthly rent of \$925.00 due on the 1st of the month with a security deposit of \$375.00 paid;

- A copy of a 1Month Notice to End Tenancy for Cause dated April 14, 2010 with an effective vacancy dated of May 31, 2010 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and the tenant has breached a material term of the tenancy and not corrected it within a reasonable time;
- Several complaints from other tenants in the residential property and the neighbourhood; and
- A summary of details of an incident on the night of May 2, 2010 stating the tenant had chased another tenant around the property.

The landlord confirmed the tenant had always been disruptive to the other tenants in the building and that the most recent events led to the issuance of this notice.

Analysis

In the absence of the tenant, I accept the landlord has cause to end this tenancy as per the notice dated April 14, 2010.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$50.00** comprised of \$ the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: June 07, 2010.

Dispute Resolution Officer