

DECISION

Dispute Codes: CNC, OLC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause and an order seeking landlord's action to comply with the Act. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on March 01, 2010. The monthly rent is \$780.00 and due on the first day of the month.

The landlord filed evidence which included a detailed log of the daily activities of the tenant that were in contravention of the hotel's rules and which led to the issuance of the notice to end tenancy for cause. The undesirable activity that the tenant was engaged in was having multiple visitors after hours and overnight visitors without the landlord's permission. The landlord stated that everytime an incident was logged, he gave the tenant a verbal warning to cease this activity or the tenancy would end.

The other occupants of the building also complained about the tenant's undesirable visitors. The landlord stated that a lot of the visitors had no ID and the tenant would sneak them in. On several occasions, unregistered overnight visitors were found in the tenant's room. The landlord gave the tenant two written warnings on February 03 and April 02, but the tenant did not pay any heed and continued to have undesirable, unregistered visitors. On one occasion three men stormed into the hotel looking for the tenant at 04:45 hours in the morning. The landlord called for police assistance.

Despite the written warnings, the tenant continued to bring in visitors. On May 31, the landlord served the tenant with a notice to end tenancy for cause with an effective date of June 30, 2010. The reason for the notice was that the tenant was continually breaking the rules and regulations of the hotel. The tenant stated that she did not know

that visitors were not allowed after hours and she was also unaware that there was a weekly limit of guests permitted to stay overnight.

Analysis:

In order to support the notice to end tenancy, the landlord must prove the tenant consistently breached the terms of her tenancy with regard to visitors and continued to do so after having received warning letters from the landlord. Based on the documentary evidence and the verbal testimony of both parties, I find that the tenant did bring in visitors after visiting hours and also had overnight visitors that exceeded the weekly number that the hotel permits. Therefore I find that the landlord has cause to end the tenancy and I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. 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.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. 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: July 23, 2010.

Dispute Resolution Officer