



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNC, FF, O

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. The tenant also applied for the recovery of the filing fee. Both parties attended the hearing and had opportunity to be heard. At the hearing the landlord made an oral request for an order of possession in the event that the tenant's application was not successful.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on June 16, 2010. The rent is \$1,200.00 due on the 15th of the month.

On July 29, 2010 the landlord served the tenant with a 30 notice to end tenancy for cause. The reason for the notice is that the tenant has allowed an unreasonable number of occupants in the rental unit. The landlord stated that the father of the tenant lived in the unit on a permanent basis. The tenant denied this and stated that his father was a casual visitor and casual visitors were permitted as per the terms of the tenancy agreement.

The landlord filed statements signed by the neighbours to confirm that the tenant's father resides in the unit. The statements state that the tenant's father drives a car that is parked on the driveway and that he has been observed smoking outside on several occasions.

Analysis

In order to support the notice to end tenancy, the landlord must prove the reason for the notice to end tenancy applies. Based on the testimony of both parties, I find that the tenant's parent is an occupant of the rental unit and therefore, I find that the landlord has cause to end the tenancy and accordingly, 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.

The tenant has not proven his case and must bear the cost of filing his application.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective on or before **1:00 p.m. on September 24, 2010.**

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: September 17, 2010.

Dispute Resolution Officer