



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, MND, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for cause, a monetary order for damages and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing in person. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the landlord entitled to the above under the Act.

Summary of Background and Evidence

The tenancy began on or about March 1, 2010. Rent in the amount of \$700.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$350.00. On September 27, 2010 the landlord served the tenant with a notice to End Tenancy for Cause: the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord; the tenant has caused extraordinary damage to the unit/site or property/park.

The landlord stated that the tenant has a history of being very loud and disruptive, pounding on neighbours doors at 2:30AM, fighting in his apartment with his guests and that the landlord has had to call the police to attend. As recently as October 22 the police were called to attend the tenants rental unit and subsequently made an arrest of one of the tenants guests.

The landlord in his testimony also stated that he has had numerous complaints from other tenants about the disruptions caused by the tenant and has both met with the tenant and provided written documentation to cease the disruptions.

The landlord testified that the tenant had broken the toilet tank in his unit but did not advise the landlord of the matter. The tenant then broke in to unit 308 which was unoccupied, stole the toilet tank from that unit and used it to replace the broken toilet tank in his unit without the landlord's consent or knowledge.

When the tenant stole the toilet tank from unit 308 he failed to properly shut off the water which then flowed unabated and caused the bathroom ceiling in unit 208 to collapse. There was extensive damage to the floor and toilet in unit 308, the ceiling in unit 208 and extensive clean-up in both units.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a Notice to End Tenancy for Cause. The tenant did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$750.00 in damages.

Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenant. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a claim for \$750.00 in damages. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$450.00.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$450.00**. If the amount is not paid by the tenant, the order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.



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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: October 29, 2010

Dispute Resolution Officer