



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with an application by the landlord to obtain an order of possession for cause and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution. I found that the tenants 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 any of the above under the Act.

### Summary of Background and Evidence

This tenancy started on December 11, 2006 with current monthly rent of \$908.00, the tenant paid a security deposit of \$440.00. On October 8, 2010 the landlord served the tenant with a Notice to End Tenancy for Cause: the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health or safety or lawful right of another occupant or the landlord; damaged the landlord's property and adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord testified that the tenant was observed by another resident breaking into 3 different tenant's mailboxes and this illegal activity was reported to the property manager; a police report was filed on this matter. The landlord also stated that on October 8, 2010 when his property manager served the notice to end tenancy documents on the tenant, the tenant slapped the property manager across the face; a police report was filed on this matter.

The landlord stated that there have been numerous complaints from other residents in the building about the tenants having loud fights and smoking marijuana in their unit.

The tenants did not participate in this hearing or make an application to dispute the notice to end tenancy.



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## 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 tenants 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 and the landlord's testimony I find that the landlord is entitled to an order of possession. The landlord is also entitled to recovery of the \$50.00 filing fee.

## Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenant and all occupants. 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 is entitled to recovery of the \$50.00 filing fee.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$50.00**. 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.

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: November 18, 2010

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Dispute Resolution Officer