

Decision

Dispute Codes: CNC, FF, OPC

Introduction

This hearing was convened in response to the tenant's application for cancellation of a 1 month notice to end tenancy for cause, and recovery of the filing fee. The hearing was scheduled to commence at 11:30 a.m. on December 30, 2010; while agents representing the landlord were present at that time and gave affirmed testimony, as at 11:40 a.m. the tenant had still not appeared and the hearing was concluded. During the hearing the landlord's agents made an oral request for an order of possession.

Issues to be decided

- Whether either party is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from October 1, 2009 to September 30, 2010. Thereafter, tenancy has continued on a month-to-month basis. Monthly rent is \$990.00, and a security deposit of \$495.00 was collected near the start of tenancy.

In summary, arising from a dispute between the parties concerning the potential need for pest control services, the landlord issued a 1 month notice to end tenancy for cause dated December 15, 2010. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

put the landlord's property at significant risk

Subsequently, the tenant filed an application to dispute the notice on December 20, 2010. However, as earlier noted, the tenant did not attend the hearing which was scheduled in response to her application.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, following from the issuance of a 1 month notice to end tenancy for cause dated December 15, 2010, and the oral request for an order of possession made during the hearing, I find that the landlord has established entitlement to an order of possession to be effective January 31, 2011.

In the absence of the tenant's participation in the hearing, the tenant's application to have the notice set aside is hereby dismissed. The tenant's application to recover the filing fee is also hereby dismissed.

Conclusion

Pursuant to all of the above, I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Monday, January 31, 2011.** This order must be served on the tenant. 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.

DATE: December 30, 2010

Dispute Resolution Officer