



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on March 2, 2011. 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. The landlord gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on or about February 1, 2011. Rent in the amount of \$725.00 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 \$362.50. The landlord testified to the following; shortly after the tenants moved in they began to engage in criminal activity and were investigated and visited by the local police authorities on "many, many, many" occasions, the tenants smoked in the non-smoking building on a regular basis, were causing a disturbance and were affecting the quiet and peaceful enjoyment of other tenants, the landlord received "multiple" complaints from other tenants for noise, smoking, multiple visitors at all hours of the night, and police raids.

Analysis

I accept the landlord's undisputed testimony. I find that the tenant was served with a Notice to End Tenancy for Cause. The tenant did not vacate the rental unit by March 31, 2011 and within 10 days of receiving the notice 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. 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

The landlord is granted an order of possession.

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: April 20, 2011.

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Residential Tenancy Branch