



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: CNC

Introduction

This hearing was convened in response to the tenant's application for cancellation of a notice to end tenancy for cause. During the hearing the landlord orally requested an order of possession. Both parties participated or were represented in the hearing and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on July 15, 2010. The tenancy agreement and "pet ownership rules" set out guidelines related to the ownership and management of pets. In relation to the tenant's cat(s), the landlord determined that she was not in compliance with the tenancy agreement or the pet ownership rules. Following written notice to the tenant concerning registration and management of her cat(s), the landlord was persuaded that the tenant had not demonstrated a genuine intent to comply with the tenancy agreement and/or the pet ownership rules. Accordingly, the landlord issued a 1 month notice to end tenancy for cause dated April 28, 2011. Subsequently, the tenant filed an application to dispute the notice. A copy of the notice was submitted into evidence, and the reason shown on the notice for its issuance is as follows:

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

During the hearing the tenant acknowledged that she understands the nature of her breach of the tenancy agreement and pet ownership rules. She also testified that she has been making efforts to find alternate homes for the cat(s). Further, the tenant alleged that the landlord is not uniformly enforcing the subject rules with all tenants.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the testimony of the parties, I find that the tenant was served with a 1 month notice to end tenancy for cause dated April 28, 2011. While the tenant filed an application to dispute the notice within 10 days following its receipt, she also acknowledged her breach of the tenancy agreement and pet ownership rules where it concerns her cat(s). Pursuant to section 55 of the Act, the landlord made an oral request during the hearing for an order of possession.

In consideration of all the foregoing, I find that the landlord has established entitlement to an order of possession. The tenant's application is, therefore, hereby dismissed.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Thursday, June 30, 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.

The tenant's application for cancellation of a notice to end tenancy is hereby dismissed.

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*.

DATE: June 2, 2011

Residential Tenancy Branch