



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for Cause and to recover the filing fee associated with this application.

The landlord participated in the hearing and stated that he served the Notice of a Dispute Resolution Hearing to the tenant in person on June 22nd, 2011. The tenant did not participate and the hearing proceeded in the tenant's absence.

At the outset, the landlord stated that the tenant moved out of the rental unit on July 6th, 2011, and that the tenant left a minimal amount of items behind. Therefore the landlord requested an order of possession to secure the unit for a new tenant.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a basement suite. The landlord took possession of the residence in November 2009 with a tenancy agreement already in place with the tenant. Rent was subsidized by Social Services at \$525.00 per month and the landlord kept the tenant's security deposit.

In his documentary evidence, the landlord provided a letter wherein he states that the tenant vandalizes his property; that the tenant brings rocks and scares everybody; that she screams during the night; that she smokes weed; that she has threatened the landlord that she would kill him and burn the whole house; and that the landlord has had to call the police. The landlord also provided eight photographs showing a collection of various sized rocks and items strewn throughout the walkway and by the tenant's entrance door. The landlord provided as evidence a copy of the 1 Month Notice to End Tenancy she served on the tenant by posting the notice on the tenant's door on May 19th, 2011. The landlord said that the tenant did not give him notice of her forwarding address.

Conclusion

Based on the above I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant. This Order must be served on the tenant. If necessary, This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since he was successful, the landlord is entitled to recover the \$50.00 filing fee which he can deduct from the tenant's security deposit. The landlord did not make a monetary claim with this application.

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: July 19, 2011.

Residential Tenancy Branch