



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNDC, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend.

The landlord testified he served the tenant with notice of this hearing on June 28, 2011 personally. I accept the landlord's testimony and find the tenant has been served in accordance with the requirements of Section 89 of the *Residential Tenancy Act (Act)*.

The landlord also stated at the outset of the hearing that the tenant has paid rent for the month of July 2011 and he no longer is pursuing this rent on this application. I therefore amend the landlord's application to exclude this matter.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 55, 67, and 72 of the *Act*.

### Background and Evidence

As per the landlord's testimony the tenancy began almost 2 years ago with a current monthly rent of \$500.00 due on the 1<sup>st</sup> of each month and a security deposit was not paid.

The landlord provided a copy of a 1 Month Notice to End Tenancy for Cause issued on May 1, 2011 with an effective date of June 30, 2011 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and seriously jeopardized the health or safety or lawful right of another occupant or the landlord; the tenant has engaged in illegal activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord; and the tenant has caused extraordinary damage to the unit.

The landlord testified that the tenant had filed an Application for Dispute Resolution to cancel the 1 Month Notice to End Tenancy and he attended that hearing on June 24, 2011. He further stated the tenant did not attend that hearing and her application was dismissed without leave to reapply.

### Analysis

As the tenant failed to follow through on her Application to dispute the 1 Month Notice to End Tenancy for Cause and her Application was dismissed without leave to reapply. During that hearing the neither party had provided a copy of the notice to end tenancy and the Dispute Resolution Officer dismissed the landlord's oral request for an order of possession.

I accept the 1 Month Notice to End Tenancy for Cause to valid and effective and I therefore find the landlord is entitled to an order of possession in accordance with Section 55 of the *Act*.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: July 25, 2011.

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Residential Tenancy Branch