



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for cause and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing in person. I found that the tenant 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.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began June 25, 2010 with monthly rent of \$375.00 and the tenant paid a security deposit of \$100.00. On April 29, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause:

- allowed an unreasonable number of occupants in the unit/site
- significantly interfered with or unreasonably disturbed another occupant or the landlord
- adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The landlord testified that the tenant has unreasonably disturbed and adversely affected the peace and quiet enjoyment of the other tenants and the landlord as the tenant has constant stream of people coming in to his unit for a brief time and then leaving. The landlord stated that the tenant will have 10 to 15 visitors a day and that the visitors often rush in the locked front door when other tenants are exiting. The landlord stated that numerous tenants in the building have complained about the noise cause by the tenant and his guests as the tenant is exceptionally loud.

The landlord stated that he had given the tenant 7 to 8 warnings about the noise and excessive traffic however the tenant has not taken any steps to improve the situation.

The landlord stated that the police have come to the building to speak with the tenant as there is a suspicion of illegal activity however this is not proven.

The landlord in this application is seeking an order of possession for the rental unit.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenant was properly served with a notice to end tenancy for cause. The tenant 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.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenant. This Order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord is also entitled to recovery of the \$50.00 filing fee and I grant the landlord a monetary order under section 72 for the amount of **\$50.00**

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