



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 seeking an order of possession. Both parties participated in the conference call hearing. Both parties 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 January 1, 2011. Rent in the amount of \$775.00 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 \$387.50. The landlord served the tenant with a One Month Notice to End Tenancy for Cause on October 19, 2011.

The landlord gave the following testimony; the landlord received multiple complaints about the subject tenant for making lots of noise and disturbing the peace, the police have attended on five occasions to the subject tenants unit for noise since the landlord filed for this hearing, the police again attended early this morning again for a noise disturbance.

The tenant did not dispute the landlord's testimony and advised that he is looking to "move on".

Analysis

The landlord provided documentary evidence to support his claim. I accept the landlord's undisputed testimony and I find that the tenant was 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. 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.

The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain \$50.00 from the security deposit in satisfaction of the claim.

Conclusion

The landlord is granted an order of possession and to retain \$50.00 from the security deposit.

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: November 16, 2011.

Residential Tenancy Branch