



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 pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to the filing fee?

Background and Evidence

The tenancy started on August 01, 2010. The monthly rent is \$520.00 due in advance on the day that assistance from Social Services is received. The tenant paid a security deposit of \$247.50.

On August 31, 2011, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of September 30, 2010. The notice was served for the following reasons;

1. Tenant has allowed an unreasonable number of occupants in the unit
2. Tenant or a person permitted on the property by the tenant:
 - has significantly interfered with or unreasonably disturbed another occupant or the landlord
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord
3. 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.

The tenant stated that he received the notice on August 31, 2011, but did not wish to dispute it, as he has plans to move out on November 06, 2011. The landlord is willing to allow the tenancy to continue until this date.

Analysis

Based on the testimony of both parties, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 pm on November 06, 2011. This Order may be filed in the Supreme Court for enforcement.

The landlord has proven her case and is therefore also entitled to the recovery of the filing fee. I order that the landlord retain \$50.00 of the security deposit in satisfaction of her claim.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 pm on November 06, 2011. The landlord is entitled to retain \$50.00 of the security deposit towards the recovery of the filing fee.

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 02, 2011.

Residential Tenancy Branch