



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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an end to this tenancy and an Order of Possession pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 3:10 p.m. in order to enable him to connect with this hearing scheduled for 3:00 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. Landlord representative AR testified that she posted the 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on the tenant's door at approximately 2:00 p.m. on December 21, 2011. She also testified that she posted a copy of the landlord's dispute resolution hearing package on the tenant's door on January 13, 2012. Landlord representative SM witnessed the posting of both of these sets of documents on the tenant's door. I am satisfied that these documents were served to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an end to this tenancy for cause and an Order of Possession?
Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This periodic tenancy commenced on July 1, 2009. Monthly rent is set at \$375.00, payable in advance on the first of each month.

The landlord entered into written evidence a copy of the 1 Month Notice which sought an end to this tenancy by January 31, 2012 for the following reasons:

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;*
- *put the landlord's property at significant risk.*

The landlord's representatives provided oral, written and photographic evidence to support their request to end this tenancy due to the tenant's repeated failure to prepare his room for pest control spraying. They provided copies of repeated written requests that he prepare his room for pest control spraying for cockroaches and bedbugs which present a serious problem in his rental unit. They said that he has not followed specific instructions on how to prepare for successful pest control treatments in his room.

Analysis

Based on the landlord's undisputed evidence, I am satisfied that the landlord had sufficient grounds to issue the 1 Month Notice and obtain an end to this tenancy for cause. The tenant has not made application pursuant to section 47(4) of the *Act* within ten days of receiving the 1 Month Notice. In accordance with section 47(5) of the *Act*, the tenant's failure to take this action within ten days led to the end of his tenancy on the effective date of the notice. This required the tenant to vacate the premises by January 31, 2012. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

As the landlord did not serve the tenant with the application for a monetary award in a way required under section 89(1) of the *Act*, I make no order regarding recovery of the landlord's filing fee for this application.

Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I dismiss the landlord's application to recover the filing fee for 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: February 03, 2012

Residential Tenancy Branch