



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. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on March 2, 2012. I found that the tenants 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. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave the following testimony; the tenancy began on or about April 15, 2011. Rent in the amount of \$700.00 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 \$350.00. The landlord issued a One Month Notice to End Tenancy for Cause on January 10, 2012 with an effective date of February 29, 2012. The landlord testified that the tenant has been verbally warned multiple times for noise complaints as well the landlord submitted five written warnings about noise. The landlord also has received numerous complaints from other tenants that the subject tenant screams at all hours of the night, slams doors and disrupts other tenants on a

regular basis. The landlord further testified that the police have attended at on at least three occasions due to noise complaints, arguing and screaming.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy. 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 the \$50.00 from the security deposit in satisfaction of the claim.

The notice is deemed to have full effect and force.

Conclusion

The landlord is granted an order of possession and is entitled 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: March 20, 2012.

Residential Tenancy Branch