



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause.

The tenant/applicant failed to join the conference call hearing. The landlord/respondent attended.

In the absence of any submissions or testimony at the hearing from the tenant upon which to make a decision and as the landlord attended, I have dismissed the tenant's application with no liberty to reapply being granted.

### Issue(s) to be Decided

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

### Background and Evidence

On May 9, 2012 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause.

The tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord testified that they have received numerous complaints from other tenants regarding the tenant having a large number of guests to his rental unit all day and night and that these guests will shout up to the tenants rental unit or throw stones to get the tenants attention. The landlord stated that the tenant also throws his front door key out the window to allow these guests in, and therefore risks the security of the building. The landlord stated that they have received noise complaints from 5 other rental units in the building and that many of the tenants are afraid of the tenant's unsavoury guests.

The landlord stated that the tenant has been repeatedly warned that if his behaviour did not change that the landlord would issue the tenant a notice to end tenancy. The

landlord stated that they believe illegal activity is being conducted out of the tenant's rental unit however this is unproven at this time.

The landlord per section 55 of the Residential Tenancy Act verbally requested an order of possession for the rental unit with an effective end of tenancy date of June 30, 2012 as noted on the notice to end tenancy.

### Analysis

Section 47(4) of the Act states that **within 10 days of receiving** a Notice to End Tenancy for Cause, a tenant must apply for dispute resolution. If the tenant fails to file to dispute the notice, then under section 46(5)(a)(b) of the Act they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Based on the foregoing, I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice and I find that the landlord per section 55 of the Act is entitled to an order of possession for cause.

**The tenant's application is hereby dismissed without leave to reapply with the resulting effect that the tenancy will end on June 30, 2012 at 1:00 PM.**

### Conclusion

I hereby grant the landlord an **Order of Possession** effective not later than **1:00 PM, June 30, 2012**. This Order must be served on the tenant(s) and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: June 5, 2012

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Residential Tenancy Branch