



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC and O

### Introduction

This hearing was convened on an application made by the landlord on July 9, 2012 for an Order of Possession pursuant to a Notice to End Tenancy for cause served in person on June 4, 2011.

Despite having been served with the Notice of Hearing in person on July 11, 2012, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

At the commencement of the hearing, the landlord advised that the tenants were in the process of moving but continued the request for the Order of Possession for assurance.

### Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession and, if so, the effective date

### Background and Evidence

This tenancy began on October 1, 2012 and, after adjustments rent was \$459 per month. The landlord holds a security deposit of \$300 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served after the landlord had received 10 letters of complaint from other tenants about loud domestic disturbances in the rental unit, alcohol consumption in common areas, intrusions into other tenants' spaces and numerous police calls to the rental unit.

The landlord stated that similar conduct had continued after service of the Notice to End Tenancy.

### Analysis

Section 47 of the *Act* empowers a landlord to issue a one-month Notice to End Tenancy for cause. Subsection 47(1)(d)(1) applies when tenants have, “significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property.

Section 47(5) of the *Act*, which is restated on the Notice to End Tenancy, provides that if a tenant receives a one-month Notice to End Tenancy for cause and does not make application to contest the notice within 10 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice.

In the absence of such application from the tenants, I find that the landlord is entitled to an Order of Possession to take effect on 1 p.m. on August 1, 2012.

I further find that, as the application has succeeded on its merits, the landlord is entitled to recover the filing fee for this proceeding from the tenant. As authorized by section 72 of the *Act*, I hereby order that the landlord may retain \$50 from the tenant’s security deposit to recover the fee.

### Conclusion

The landlord’s copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on August 1, 2012.

The landlord is authorized to retain \$50 filing fee from the tenant’s 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: August 01, 2012.

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Residential Tenancy Branch