



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC and FF

Introduction

This hearing was convened on an application made by the landlord on July 17, 2012 for an Order of Possession pursuant to a Notice to End Tenancy for cause served in person on June 27, 2011.

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 in July 2007 according to the recollection of the landlord. Rent is \$400 per month and the landlord holds a security deposit of \$200 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served as the tenant permitted numerous persons to have free access to the rental unit which – given the high crime area – jeopardized his safety and that of other tenants. The landlord stated that on at least one occasion he had been threatened by one such visitor.

Analysis

Section 47 of the *Act* empowers a landlord to issue a one-month Notice to End Tenancy for cause. Subsection 47(1)(c) applies when there are an unreasonable number of occupants in the rental unit.

Subsection 47(!)(d)(ii) applies in circumstances in which the tenant or a person permitted on the residential property by the tenant has jeopardized the health, safety or lawful right or other occupants or the landlord.

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 tenant, I find that the landlord is entitled to an Order of Possession. As the Notice to End Tenancy set the end of the tenancy at July 31, 2012, a date now passed, I find that the Order should take effect two days from service of it on the tenant.

As the landlord failed to provide a rental agreement or any other evidence, or to have pertinent information readily available for the hearing, I decline to award the filing 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 two days from service of it on the tenant.

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 08, 2012.

Residential Tenancy Branch