



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 and to recover the filing fee. 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 personal service on August 2, 2012. I found that the tenant 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?

Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy began on or about May 1, 2012. Rent in the amount of \$720.00 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 \$360.00.

The landlord gave the following testimony; the tenant is a recovery heroin addict, has been problematic since moving in, has engaged in using street drugs in public areas of the building, has been seen by other tenant's smoking crack cocaine in the laundry room, the police have attended on two occasions and have arrested her boyfriend, has people coming in going at all hours of the night to her unit, lives in a one bedroom but now has five other people living in her unit, landlord has issued multiple warnings both

verbal and written, landlord has received multiple complaints from other tenants, the building has many children and elderly building that are fearful of this tenant, landlord has attempted to assist the tenant but stated "she's so out of it she doesn't even know what's going on". The landlord issued a One Month Notice to End Tenancy for Cause on July 13, 2012 with an effective date of August 31, 2012 that the tenant has chosen not to contest.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. 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 Notice is in full effect and force.

The landlord is not entitled to the recovery of the filing fee as this application is a pre-emptive measure and I therefore dismiss that portion of their application.

Conclusion

The landlord is granted an order of possession.

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 29, 2012.

Residential Tenancy Branch