



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MND, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order request for damage and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenants were personally served with the notice of hearing package and evidence on February 1, 2013. The Landlord also states as a precaution one of the Tenants was served with the same package by Canada Post Registered Mail on February 4, 201 and has provided the Customer Tracking Number in his direct testimony as confirmation. I accept the undisputed testimony of the Landlord and find that the Tenants were properly served with the notice of hearing and evidence package by Canada Post Registered Mail on February 4, 2013.

The Landlord clarified during the hearing that he wished to withdraw the monetary portion of the application. As such, no further action is required for this portion of the application.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background, Evidence and Analysis

The Landlord states that the Tenant was served with the 1 month notice to end tenancy issued for cause dated January 7, 2013 on January 7, 2013 in person at the rental unit. The notice states an effective date of January 18, 2013 with 4 stated reasons for cause.

- Tenant has allowed an unreasonable number of occupants in the unit/site.
- Tenant or a person permitted on the property by the Tenant has:

Significantly interfered with or unreasonably disturbed another occupant of the Landlord.

Put the Landlord's property at significant risk.

-Tenant has caused extraordinary damage to the unit/site or property/park.

The Landlord has provided various details on the grounds for release in his evidence both documentary and in his direct testimony. The Landlord has cited an excessive number of people in the rental unit whom all seemed to be intoxicated and were making excessive noises. The Landlord has also submitted a letter from one of the other Tenants complaining of excessive noise and disturbances that required the attendance of the police on at least 3 separate occasions in one month. The Landlord has also provided photographs of damage to the windows and walls of the rental unit.

I accept the undisputed testimony of the Landlord and find that reasons for cause have been established for the notice dated January 7, 2013. The Tenant has failed to file an application to dispute the Landlord's notice within the allowed time frame. The Tenant is presumed to have accepted the notice. The Landlord is granted an order of possession. As the effective date of the notice by the Landlord is incorrect, it is corrected to February 28, 2013.

The Landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

The Landlord is granted an order of possession for February 28, 2013.

The Landlord is granted a monetary order for \$50.00.

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: February 26, 2013

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Residential Tenancy Branch

