



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant seeking an order to set aside a One Month Notice to End Tenancy for Cause. The landlord participated in the conference call hearing, the tenant did not.

Issues to be Decided

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenancy began on or about April 9, 2012. Rent in the amount of \$1900.00 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 \$950.00.

The landlord issued a One Month Notice to End Tenancy for Cause on January 18, 2013. The landlord testified that he has received multiple verbal and written complaints from the property management company as well as the Strata that govern the subject property. The landlord would follow up all verbal warnings with a written warning to the tenant and provide a copy to the Strata and property management to show that he was dealing with it in a timely and responsible manner. The majority of complaints are about the tenant making noise at all hours of the night, loud music throughout the night, yelling and swearing that would disturb other tenants as well as other violations under the Strata Property Act. The landlord has tried to work with the tenant to have her adjust her behaviour but with no success. The landlord made an oral application during the

hearing seeking an order of possession as he is concerned the tenant will not abide by the Notice.

Analysis

The landlord provided extensive documentary evidence as well as his testimony. As the tenant chose not to participate in this hearing nor did she submit any documentary evidence to consider; I find that the One Month Notice to End Tenancy for Cause dated January 18, 2013 with an effective date of February 28, 2013 remains in full effect and force.

The landlord's oral application for an order of possession pursuant to Section 55 of the Act is granted. 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.

Conclusion

The tenant's application is dismissed without leave to reapply.

The landlord is entitled to 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: February 21, 2013

Residential Tenancy Branch

