



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pacific Quorum Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord seeking an order of possession based on serving the tenant a One Month Notice to End Tenancy for Cause. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on February 27, 2013. 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 landlord entitled to an order of possession?

Background and Evidence

The tenancy began on or about August 1, 2012. Rent in the amount of \$760.00 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 \$380.00. The landlord has received numerous verbal and written complaints in regards to the subject tenant. The complaints were for loud music, loud shouting and fighting sounds, and multiple visits by the police to attend for these noise complaints. The landlord stated the relationship with this tenant has become increasingly acrimonious. The tenant refuses to have communication with the landlord since being served the Notice.

The landlord issued a One Month Notice to End Tenancy for Cause on December 28, 2012 with an effective date of February 1, 2013. That Notice was posted on the tenant's door and witnessed by the building manager. As of today's hearing the tenant has not filed to dispute this matter, submitted any evidence for consideration in this hearing nor participated in this hearing. The tenant has not abided by the move out date of February 1, 2013 as per the Notice.

Analysis

I accept the landlords' undisputed testimony. The tenant did not file to dispute the Notice within 10 days as is required under the Act. It is therefore presumed that he accepted the Notice and that he was to move out by the date indicated in the Notice. As the tenant has not moved out by the date indicated on the Notice 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 issued on December 28, 2012 remains in full effect and force.

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: March 13, 2013

Residential Tenancy Branch

