



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, CNC, MNDC, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession. The tenant applied to cancel the notice to end tenancy and for a monetary order for compensation and the filing fee.

The landlord testified that she served the tenant with a notice of hearing on February 27, 2013 by registered mail. Despite having made application and having been served a notice of hearing by the landlord, the tenant did not attend the hearing. Therefore the tenant's application is dismissed.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on June 01, 2010. The landlord testified that the tenant acted in an aggressive manner towards the Resident Manager and the Resident Caretaker and made false complaints of harassment against them, to the police. The tenant was served with multiple warning letters starting in February 2012. The behaviour persisted and on February 19, 2013, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of March 31, 2013.

The tenant disputed the notice in a timely manner but did not attend the hearing.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept her evidence in respect of the claim. The tenant received the notice to end tenancy on February 19, 2013 and applied to dispute the notice but did not attend the hearing. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on March 31, 2013. This Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 pm on March 31, 2013.**

The tenant's application is dismissed.

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 21, 2013

Residential Tenancy Branch

