



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- b) An Order of Possession pursuant to Sections 47, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn testimony that they had served the tenants personally the Notice to end Tenancy dated March 27, 2013 and personally with the Application for Dispute Resolution. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated March 27, 2013 for cause. Is the landlord now entitled to an Order of Possession to evict all residents in the unit and to a Monetary Order for damages and filing fee?

Background and Evidence:

The tenants did not attend although served with the Application/Notice of Hearing. The landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenant commenced living in the premises in 2011, a security deposit of \$350 was paid and rent is currently \$700 a month. The landlord gave evidence that the Notice to End Tenancy was served because the tenants or their guests were having endless parties and significantly interfering with the peaceful enjoyment of other occupants and seriously jeopardizing their health or safety of other residents. The landlords provided some cards of RCMP officers who had responded to calls concerning the significant interference of the tenants. The tenant did not submit any documents to dispute.

The landlord also claimed the security deposit and was advised of the provisions of section 38 of the Act.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of Possession. I find they have provided sufficient cause to end the tenancy; the tenant has not made application pursuant to Section 47 to set aside the Notice to End the Tenancy and the time to do so has expired. In these situations, the Residential Tenancy Act provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. The tenancy terminated on April 30, 2013. An Order of Possession is issued effective two days from service.

Conclusion:

The tenancy is terminated. I find the landlord is entitled to an Order of Possession effective two days from service and to recover filing fees paid for this application.

I HEREBY ORDER that the landlord may deduct \$50 from the security deposit to recover the filing fee. The balance of \$300 will remain in trust to be dealt with after the tenant leaves in accordance with section 38 of the Act.

Calculation of Monetary Award:

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: May 30, 2013

Residential Tenancy Branch