



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Sangster Marina Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Codes: OPCFF

### Introduction:

This was an application by the landlord for an Order for Possession pursuant to a Notice to End the Tenancy for Cause dated February 26, 2013 with an effective date of March 31, 2013. Only the landlord's agent R.A. attended the hearing.

### Issues:

Is the landlord entitled to an Order for Possession?

### Background and Evidence:

Based upon the testimony of R.A. I find that the Notice to End a Residential Tenancy was served on the tenant on February 29, 2013 by posting it to his door on February 26, 2013. I find that the Application for Arbitration/Notice of Hearing was personally served on the tenant on April 9, 2013 by handing it to him. The landlord testified that the tenant had been creating a disturbance.

### Analysis

The Notice to End a Residential Tenancy relies on sections 47(1)(d)(i) Residential Tenancy Act. That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

- (d) the tenant or a person permitted on the residential property by the tenant has
- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property

After carefully considering all of the evidence I determined that the tenant has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice pursuant to 47(5)(a). Based on the above facts I find that the landlord is entitled to an order for possession.

Conclusion:

I granted the landlord an Order for Possession effective two days after service upon the tenant. The tenant must be served with this decision and Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I grant the landlord recovery of the \$50 filing fee in this matter. That may be enforced in the Small Claims Court.

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 06, 2013

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Residential Tenancy Branch