



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC and FF

Introduction

This hearing was convened on the landlord's application of May 21, 2013 for an Order of Possession pursuant to a one-month Notice to End Tenancy for cause served by posting on the tenant's door on April 24, 2013. The landlord also sought to recover the filing fee for this proceeding from the tenant.

Despite having been served with the Notice of Hearing sent by registered mail on May 24, 2013, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession in support of the Notice to End Tenancy and recovery of the filing fee for this proceeding.

Background and Evidence

This tenancy began on January 1, 2013 under a six month fixed term agreement to June 30, 2013. Rent is \$900 per month and the landlord holds a security deposit of \$450 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served after the tenant had caused a number of disturbances in the rental building leading to numerous complaints from other tenants.

The notice cited significant interference or unreasonable disturbance of other occupants or the landlord, illegal activity likely to affect the quiet enjoyment, safety or security of others and jeopardy of a lawful right of other tenants or the landlord.

The disturbances included loud screams and the tenant running through the halls and knocking on neighbours doors at all hours. The landlord stated that the tenant's conduct had resulted in two police calls and the issue had been addressed by a special unit which includes police officers and support workers.

The landlord stated that since issuance of the Notice to End Tenancy, the tenant had threatened her with harm if she were to attend the rental unit and the night before the hearing had alarmed other tenants by climbing the outside of the building.

Analysis

Section 47(5) and (6) of the *Act* provides that a tenant may make an application to dispute a Notice to End Tenancy for cause within 10 days of receipt of the notice; otherwise, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the rental unit by that date.

I find that the tenant has not made application to contest the Notice to End Tenancy of April 24, 2013 and she is, therefore, conclusively presumed to have accepted that the tenancy ended on the effective date which was May 31, 2013.

Therefore, I find that the landlord is entitled to an Order of Possession to take effect two days from service of it on the tenant.

As the application has succeeded, I find that the landlord is entitled to recover the filing fee for this proceeding from the tenant and as permitted under section 72 of the *Act*, I hereby order that she may do so by retaining \$50 from the tenant's security deposit.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenant.

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: June 17, 2013

Residential Tenancy Branch