



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC
OPC

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a 1 month notice to end tenancy for cause. An agent representing each of the parties attended and gave affirmed testimony.

During the hearing the landlord's agent confirmed that the landlord seeks an order of possession in the event the tenant's application does not succeed.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began sometime in December 2012. Monthly rent is \$375.00, and a security deposit of \$187.50 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated July 17, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. Reasons shown on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenant filed an application to dispute the notice on July 25, 2013. In his application the tenant states: "I dispute that there is cause to end my tenancy." The tenant has provided no additional information in support of his application. The tenant's agent testified that she expected the tenant to meet with her in her office in order to participate in the hearing. However, in the tenant's absence, the tenant's agent testified that she has not received any particular instruction or evidence from the tenant in regard to his application.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and testimony, I find that the tenant was served with a 1 month notice to end tenancy for cause dated July 17, 2013. While the tenant filed an application to dispute the notice within the 10 day period available for doing so pursuant to section 47(4) of the Act, the tenant failed to attend the hearing scheduled in response to his application. As previously stated, the tenant did not submit any evidence in support of his application, he did not attend the hearing, and neither did he instruct his agent in any particular manner in regard to attending the hearing on his behalf.

Section 55 of the Act speaks to **Order of possession for the landlord**, in part:

55(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

Following from all of the above, the tenant's application is hereby dismissed, and I find that the landlord has established entitlement to an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

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: September 03, 2013

Residential Tenancy Branch

