



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on January 17, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about November 2, 2013. Rent in the amount of \$490.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$245.00. The landlord stated that the tenant was a problem right from the start. The landlord stated that the tenant harassed other female tenants in the building to the point where they moved out. The landlord stated that the tenant smokes drugs in his room while watching pornographic movies with the volume turned up to the maximum at all hours of the night. The landlord stated that she received multiple verbal and written complaints about the subject tenant. The landlord stated that she gave him numerous verbal warnings and three written warnings. The landlord stated that she served the tenant with a One Month Notice to End Tenancy for Cause on December 27, 2013 in the presence of a

witness. The landlord stated that she is seeking an order of possession and for the tenancy to end.

Analysis

When a landlord issues a notice under Section 47 of the Act they must provide evidence to support their application. The landlord provided extensive documentation for this hearing. In addition, the landlord issued a notice that the tenant did not dispute. Based on the evidence provided by the landlord and the uncontested notice I find that the tenancy must come to an end. I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. 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. The One Month Notice to End Tenancy for Cause dated December 27, 2013 remains in full effect and force.

The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain \$50.00 from the security deposit in satisfaction of the claim. The landlord advised that the tenant has paid half a months' rent which he was issued a receipt for "use and occupancy only, tenancy not reinstated". Based on that information the order of possession will take effect at 1:00 p.m. on February 15, 2014.

Conclusion

The landlord is granted an order of possession and to retain \$50.00 from the security deposit.

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: February 06, 2014

Residential Tenancy Branch

