



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REMAX ALDERCENTER PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** CNR OPR

### **Introduction:**

This was an application by the tenant to cancel a Notice to End the Tenancy for cause pursuant to section 47 of the *Residential Tenancy Act* (the Act) dated June 29, 2014. The applicant tenant did not attend the hearing.

### **SERVICE:**

I find that the Notice to End a Residential Tenancy was served personally on the Tenant on July 28, 2014. The landlord admitted personal service of the application for dispute resolution.

**Issues:** Is the tenant entitled to any relief?

### **Background and Evidence:**

The tenant/applicant did not attend the hearing. The landlord was given opportunity to be heard, to provide evidence and to make submissions. The landlord stated the tenancy began on February 1, 2012; the current rent is \$550.00 and the tenant paid a security and pet damage deposit amounting to \$550 (each for \$275) in January 2012.

The landlord's agent testified that the tenant had been a good tenant in this fourplex at first, then her behaviour became very erratic and she has a guest who allegedly is involved in illegal activity. The other tenants are finding she significantly disturbs their peaceful enjoyment with yelling and foul language late at night and they feel she is seriously jeopardizing their health and safety by uttering threats. There is a young child in the upper unit who is being exposed to unsuitable situations and language. Enclosed as evidence are three letters from the other tenants and a log of events that have been disturbing to them. At least one other tenant states they will have to move out due to this behaviour.

### **Analysis:**

The Notice to End a Residential Tenancy is based on cause. The landlord's evidence is that this tenant is disturbing and significantly interfering with the peaceful enjoyment of other tenants contrary to section 28 of the Act and seriously jeopardizing their health and safety. I find the landlord's evidence credible as it is well supported by the letters supplied by other tenants in the fourplex. The tenant did not attend to dispute this evidence.

I therefore dismiss the tenant's application to cancel the Notice to End the Tenancy for cause. The tenancy is terminated.

Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. The landlord has made this request at the hearing. As a result I granted the landlord an Order for Possession.

**Conclusion:**

The application of the tenant is dismissed without leave to reapply. No filing fee is involved. I grant the landlord an Order for Possession effective two days from service.

The tenant must be served with this 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.

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 04, 2014

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Residential Tenancy Branch

