



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

The applicant failed to contact the telephone bridge number at the scheduled start of the hearing. Two representatives of the respondent were present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one Notice to End Tenancy was sufficiently served on the Tenant by posting on August 27, 2014. I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated August 22, 2014?

### Background and Evidence

The tenancy began on February 1, 2013. The written tenancy agreement provided that the tenant(s) would pay rent of \$765 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$375 on February 1, 2013.

The rent for October was paid by the landlord and it was accepted for "use and occupation only."

## Analysis

### Grounds for Termination

The Notice to End Tenancy relies on section 47(1)(d) of the 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,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or

(iii) put the landlord's property at significant risk;

## Analysis

The tenant failed to appear at the hearing and failed to present evidence. The landlord testified and provided considerable evidence that the tenant has significantly interfered with and unreasonably disturbed the landlord and other tenants.

### Determination and Orders

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

### Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where an arbitrator has dismissed a tenant's

application to set aside a Notice to End Tenancy, the arbitrator must grant an Order for Possession. The landlord made this request at the hearing. **As a result I granted the landlord an Order for Possession. I set the effective date of the Order for Possession for October 31, 2014 as the rent was paid for October.**

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: October 27, 2014

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Residential Tenancy Branch

