



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FM56 Investments Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking "other".

The hearing was conducted via teleconference and was attended by the landlord's agents.

While the tenant's Application for Dispute Resolution only indicated that she was seeking "other" she did explain in the section of the Application that asked for additional details that she disagreed with the landlord's claim that she has significantly interfered with or unreasonably disturbed another occupant or the landlord and that she is therefore disputing "this eviction notice".

I am satisfied the tenant has made clear that her intention is to dispute a Notice to End Tenancy for Cause. As such, I amend the tenant's Application for Dispute Resolution to seek to cancel a notice to end tenancy.

During the hearing, the landlord verbally requested an order of possession should the tenant be unsuccessful in her Application.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy, pursuant to Section 47 of the *Residential Tenancy Act (Act)*.

If the tenant is unsuccessful in her Application seeking to cancel the 1 Month Notice to End Tenancy for Cause it must be decided if the landlord is entitled to an order of possession, pursuant to Section 55 of the *Act*.

Background and Evidence

The landlord submitted that on July 29, 2014 the tenant was personally served with a 1 Month Notice to End Tenancy dated the same date with an effective vacancy date of August 31, 2014 citing the tenant or a person permitted on the property has significantly

interfered with or unreasonably disturbed another occupant or the landlord. A copy of the Notice was submitted into evidence by the landlord.

Analysis

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property.

As the tenant has failed to attend this hearing I dismiss her Application for Dispute Resolution in its entirety.

Section 55(1) of the *Act* states if a tenant makes an Application for Dispute Resolution to dispute a landlord's notice to end tenancy, the director must grant an order of possession to the landlord if, the landlord makes an oral request for an order of possession and the director dismisses the tenant's Application or upholds the landlord's notice.

Conclusion

Based on the above, I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: October 10, 2014

Residential Tenancy Branch

