



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, OPC

### Introduction

This hearing dealt with an application by the landlord seeking an order of possession. 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 having the tenant sign and acknowledge personal service on October 29, 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?

### Background and Evidence

The landlord gave the following undisputed testimony:

The tenancy began on or about November 1, 2014. Rent in the amount of \$900.00 is payable in advance on the first day of each month. The landlord stated that she has received numerous complaints from the upstairs tenants about the subject tenant. The landlord stated that the upstairs tenants have complained about loud parties, fights, screaming, numerous people coming and going through all times of the day, being threatened by the subject tenant, damage to their vehicle and having the subject tenants friends attempt to break into their suite while they were home. The landlord stated that the local police have also contacted her about the subject tenants. The landlord stated that the police have had to attend on numerous occasions about the subject tenants and corroborated what the upstairs tenants have complained about. The landlord stated that she has tried to work with the tenant and has given her many chances to correct her behaviour but to no avail. The landlord stated that she personally served the tenant on September 13, 2014 with a One Month Notice to End Tenancy for

Cause. The landlord stated that she seeks an order of possession to take effect as soon as possible.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy. The landlord issued the notice to end tenancy for numerous breaches and has satisfied me on the grounds that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord. As the landlord has proven their claim I need not address any further grounds. The tenant did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts 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 landlord is entitled to the recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The tenancy is terminated. The One Month Notice to End Tenancy for Cause dated September 13, 2014 is of full effect and force. The landlord is granted an order of possession and a monetary order for \$50.00.

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: November 13, 2014

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Residential Tenancy Branch

