



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPC CNC MNDC RP LRE AAT SS FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) An Order of Possession pursuant to Sections 47, and 55 for cause;
- b) An order to recover the filing fee pursuant to Section 72.

This hearing also dealt with an application by the tenant pursuant to the Act for orders as follows:

- c) To cancel a Notice to End Tenancy for cause;
- d) To return the tenant's personal property;
- e) That the landlord give access to the tenant and guests pursuant to section 30.

### **SERVICE:**

The tenant did not attend. The landlord gave sworn testimony that they had served the tenant personally (with witnesses) with the Notice to end Tenancy dated September 11, 2014 and with the Application for Dispute Resolution. They agreed they had received the tenant's Application. I find the documents were legally served according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

The tenant was issued a Notice to End Tenancy dated September 11, 2014 for cause. Has the landlord proved on the balance of probabilities that there is good cause to end this tenancy and obtain an Order of Possession? Is the landlord entitled to recover the filing fee?

Or is the tenant entitled to any relief? Has the tenant proved on the balance of probabilities that the landlord is denying access to his guests or that they have his personal property?

**Background and Evidence:**

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced on October 1, 2011, no security deposit was paid and rent as subsidized is currently \$328 a month. The landlord testified they served the Notice to End Tenancy for the tenant or persons permitted on the property by him have:

- a) Significantly interfered with or unreasonably disturbed another occupant or the landlord; and
- b) Put the landlord's property at significant risk.

As evidence, the landlord provided many letters of complaint from other tenants. They complained about the excessive noise, yelling and fighting emanating from the tenant's unit and disturbing their sleep. One complained of a vicious dog, several complained of relatives or friends of the tenant blocking the elevator, being aggressive, yelling and of theft. There were several reports to the police of these incidents. The landlord said the tenant has also supplied his fob and keys to others so questionable people come and go into the building causing other tenants to be seriously concerned for their own safety and the safety of their property. The landlord requests an Order of Possession effective as soon as possible and to recover the filing fee.

In the tenant's application, he requests the Notice to End Tenancy be cancelled and that his guests be allowed free access to the building and that his personal property be returned. He supplied no documentary evidence and did not attend to support his application.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

**Order of Possession**

I find that the landlord is entitled to an Order of Possession pursuant to section 47 of the Act. I find the preponderance of the evidence is that the tenant and/or his guests are significantly interfering with and unreasonably disturbing other occupants of the building and the landlord by yelling, fighting, being physically and verbally aggressive to other residents and bringing a dog that attacked a person onto the property. I find he is also putting the landlord's property at significant risk by giving keys and a fob so unauthorized persons can access the building. Although the tenant contended that he was being evicted because his daughter had yelled up to his window late at night, I find the weight of the evidence is that the tenancy is being ended for substantially more reasons than he mentions. I find the landlord's evidence well supported by the number

of complaints from other residents and police reports. An Order of Possession is issued effective two days from service.

I find insufficient information to support the tenant's allegation that the landlord has his personal property or is denying entry to legitimate guests. He provided no documentary evidence and did not attend to support his allegation. The landlord denies his claims. Therefore, I dismiss the application of the tenant in its entirety.

**Conclusion:**

I find the landlord is entitled to an Order of Possession effective two days from service and to recover the filing fee for this application. A monetary order for \$50 is issued to the landlord.

I dismiss the application of the tenant in its entirety without leave to reapply. No filing fee was involved for his application.

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

