



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Colliers, Macauley, Nicolls inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes 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 a witness present when personally serving the tenants on December 24, 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 landlord entitled to an order of possession?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about July 1, 2013. Rent in the amount of \$850.00 is payable in advance on the first day of each month. The landlord stated that the tenants' behaviour has been a problem for the past ten months. The landlord stated that he has received numerous verbal complaints from other tenants as well as tenants calling head office to complain about the subject tenants.

The landlord stated that on October 21, 2014 he personally served the tenant in the presence of a witness; a One Month Notice to End Tenancy for Cause as well as having a copy of the notice mailed to them from "head office". The landlord stated that one of the reasons for the notice was that the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord. The landlord stated that on numerous occasions the tenants were warned about loud noise coming from their suite, swearing and fighting, people coming and going at all hours of the day and night and banging noises. The landlord stated that he had given the tenant "many" verbal warnings. The landlord stated that the tenants have also admitted to causing damage to common areas of the building as well as his wife's vehicle. The landlord stated that he is requesting an order of possession.

Analysis

When a landlord issues a notice under Section 47 of the Act they bear the responsibility in providing sufficient evidence to support the issuance of that notice. I accept the landlord's undisputed testimony and I find that the tenants were served with a notice to end tenancy for cause. The tenants did not 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.

As I have found that the landlord is entitled to an order of possession I need not address the other grounds they have issued the notice on.

The landlord advised that the tenants have paid the rent for the month of January. Based on that information and due to the timing of this hearing, the order of possession takes effect at 1:00 p.m. on January 31, 2015.

Conclusion

The One Month Notice to End Tenancy for Cause dated October 21, 2014 is of full effect and force. The landlord is granted an order of possession. The tenancy is terminated.

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: January 20, 2015

Residential Tenancy Branch

