



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant seeking an order to set aside a One Month Notice to End Tenancy for Cause. The landlord participated in the teleconference the tenant did not. A legal advocate had been contacted by the tenant to assist. The advocate dialled into the hearing but was unsure of the tenants' whereabouts. The hearing proceeded and concluded in the tenants' absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the tenant entitled to have the notice set aside?

### Background and Evidence

The tenancy began on or about May 1, 2012. Rent in the amount of \$375.00 is payable in advance on the first day of each month. The landlord issued a One Month Notice to End Tenancy for Cause on January 27, 2015 with an effective date of February 28, 2015. The landlord issued the notice on several different grounds. One of the grounds she issued the notice on was that the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord stated that the complex attempts to provide a harm reduction environment as many of the residents have drug or abuse issues. The landlord stated that the tenant and his friends would leave bike parts strewn about the hallways. The landlord stated that the tenant would shadow box in the hallways and would intimidate with his actions and his demeanour. The landlord stated that she received many verbal complaints but due to the fear the tenants' had, no one would put anything in writing or participate in this hearing. The landlord stated that the tenant and his friends were constantly causing chaos in the building to which she received many phone calls and comments from the residents. The landlord stated that she is requesting an order of possession.

### Analysis

Although the landlord issued the notice on several grounds, I am satisfied that the landlord has provided sufficient evidence to support the issuance of the notice on the ground as noted above. As I have found that the tenancy is to end I need not address the other grounds outlined on the notice.

The landlord's oral application for an order of possession pursuant to Section 55 of the Act is granted. 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 tenant has not been successful in their application.

### Conclusion

The Notice issued on January 27, 2015 with an effective date of February 28, 2015 remains in full effect and force. The tenancy is terminated. The landlord is granted an order of possession

The tenants' application is dismissed.

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: March 03, 2015

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Residential Tenancy Branch

