



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding New Vista Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This was a hearing with respect to the landlord's application for an order for possession pursuant to a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend although he was personally served with the application and Notice of Hearing on August 13, 2015.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a Notice to End Tenancy for cause dated June 25, 2015?

Background and Evidence

The rental unit is an apartment in the landlord's rental property in Burnaby. The landlord's housing complex provides subsidized housing for seniors. The tenancy began on September 1, 2005. The landlord gave the tenant several warning letters concerning his disturbing conduct; the landlord has received complaints that the tenant has physically threatened other occupants and the landlord's staff. There have been several noise complaints and the police had to be called to assist after complaints were made concerning loud noise, screaming and banging inside the rental unit.

On June 26, 2015 the landlord served the tenant with a one month Notice to End Tenancy for cause. The Notice to End Tenancy was served by posting it to the door of the rental unit. The tenant verbally acknowledged to the landlord's representative that he received the Notice. The stated reasons for seeking to end the tenancy are that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and that he has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord. The Notice to End Tenancy

required the tenant to move out of the rental unit by July 31, 2015. The tenant did not apply to dispute the Notice to End Tenancy and he continues to occupy the rental unit. There have been further complaints from other occupants concerning the tenant's behaviour since the Notice to End Tenancy was given.

Analysis

I find that the tenant has been properly served with the Notice to End Tenancy for cause and with the landlord's application and Notice of Hearing. The tenant has not applied to cancel the Notice to End Tenancy and pursuant to section 47(5) of the *Residential Tenancy Act*, he is conclusively presumed to have accepted that the tenancy has ended on the effective date of the Notice to End Tenancy. The effective date of the Notice has passed, the tenant has not vacated the rental unit and the landlord is entitled to an immediate order for possession.

Conclusion

The landlord's application is allowed. I grant the landlord an order for possession effective two days after service on the tenant. This order may be registered in the Supreme Court and 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: September 10, 2015

Residential Tenancy Branch

