



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Portland Hotel Services Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPC

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant applied on August 17 for:

1. An Order cancelling a notice to end tenancy - Section 47.

The Landlord applied on September 16, 2015 for:

1. An Order of Possession - Section 55.

The Tenant did not appear at the time scheduled for the hearing. I accept the Landlord's evidence that the Tenant was served with the application for dispute resolution and notice of hearing in person on September 16, 2015 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. At the conclusion of the submissions by the Landlord the Tenant had not appeared. As the Tenant did not attend the hearing I dismissed the Tenant's application.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started on March 1, 2010. Rent of \$375.00 is payable monthly on the first day of each month. On August 4, 2015 the Landlord served the Tenant with a one month notice to end tenancy for cause (the "Notice") by posting the Notice on the door. The Notice contains more than one reason including that the Tenant has engaged in illegal activity and has seriously jeopardized the health or safety or lawful right of another occupant or the landlord. Although the Tenant was warned several times during the tenancy about bringing in questionable guests,

since the onset of 2015 the Tenant has continued to bring in guests that have been seen on video damaging the common areas of the building, guests that have been banned from the building and guests that have been removed by police. Further, the police removed firearms from the Tenant's unit. The Landlord seeks an order of possession for the earliest possible date as the Tenant is still in the unit.

Analysis

Section 47 of the Act provides that a landlord may end a tenancy by giving a notice to end tenancy if, inter alia, a tenant or a tenant's guest has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. Based on the undisputed evidence of the Tenant's acts in relation to its guests, I find that the Landlord has substantiated that at least one of the reasons to end the tenancy is valid: a guest permitted on the property by the Tenant has seriously jeopardized the safety of the Landlord or another occupant of the building. I find that the Landlord is therefore entitled to an order of possession.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **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.

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: October 26, 2015

Residential Tenancy Branch

