



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, CNR, MNDC, FF

### Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause as well as a 10 day Notice to End Tenancy for unpaid rent. The tenant also applied for a monetary award. The hearing was conducted by conference call. The landlord attended with her representative. The tenant did not attend, although this was the hearing of the tenant's application and the hearing was kept open for more than 15 minutes after the scheduled commencement at 9:00 A.M.

### Issue(s) to be Decided

Should the one month Notice to End Tenancy dated September 29, 2015 be cancelled?  
Should the 10 day Notice to End Tenancy dated October 10, 2015 be cancelled?  
Is the tenant entitled to a monetary award and if so, in what amount?

### Background and Evidence

The rental unit is a basement suite in the landlord's house in Chilliwack. The landlord and her family live in the upstairs portion of the house. The tenancy began October 1, 2014 for a one year term and thereafter on a month to month basis with rent in the amount of \$980.00 payable on the first of each month. The tenant paid a security deposit of \$490.00 on September 11, 2014.

On September 29, 2015 the landlord personally served the tenant with a one month Notice to End Tenancy for cause. The Notice required the tenant to move out of the rental unit by October 31, 2015. The reasons for giving the Notice to End Tenancy was that the tenant or other occupants have significantly interfered with or unreasonably disturbed another occupant or the landlord and that the tenant or occupants have seriously jeopardized the health or safety or lawful right of another occupant or the landlord. The landlord and her representative testified that the tenant's boyfriend

moved into the rental unit in the spring and since then there have been numerous fights and violent disturbances between the tenant and her boyfriend. The tenant, her two children and her boyfriend continue to disturb the landlord and her family. The boyfriend has acted aggressively towards an elderly family member who attempted to intercede when the boyfriend was locked out of the rental unit by the tenant and was violently kicking the door to gain entrance to the unit.

The landlord's representative testified that the tenant was also given a Notice to End Tenancy for unpaid rent dated October 10, 2015, but since the Notice was given she has paid the rent for October and subsequent months.

### Analysis

The tenant had not appeared at the hearing of her application by 9:15 A.M. In the absence of an appearance by the applicant, I dismiss her application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The one month Notice to End Tenancy required the tenant to move out of the rental unit by October 31, 2015. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Conclusion

The tenant's application has been dismissed without leave to reapply. The landlord has been granted an order for possession.

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: December 10, 2015

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Residential Tenancy Branch

