



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            CNC, OPC, ERP, FF

### 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 November 6, 2015 for:

1. An Order cancelling a notice to end tenancy – Section 47; and
2. An Order for emergency repairs – Section 47.

The Landlord applied on November 24, 2015 for:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

### Preliminary Matters

I accept the Landlord's evidence that the Tenant was served with the application for dispute resolution and notice of hearing in person in accordance with Section 89 of the Act. The Tenant did not appear and did not attend to pursue its own application while the hearing lasted for 10 minutes. The Tenants' application was therefore dismissed. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession and recovery of the filing fee?

### Background and Evidence

The tenancy started on September 1, 2015. Rent of \$750.00 is payable monthly on the first day of each month.

On October 27, 2015 the Landlord served the Tenants with a one month notice to end tenancy for cause (the "Notice"). The Notice, dated October 27, 2015 and noted as effective on November 30, 2015 is signed by the Landlord, gives the address of the rental unit, states the

grounds for ending the tenancy and is in the approved form. The Tenants have significantly disturbed the Landlord, other tenants and neighbours by fighting and making loud noise that results in constant police presence.

### Analysis

Section 55 of the Act provides that if a tenant's application for dispute resolution to dispute a landlord's notice to end a tenancy is dismissed during the hearing process and if the landlord's notice is on the correct form and carries the correct content, the landlord must be granted an order of possession. As the Tenant's application to cancel the Notice has been dismissed and as the Notice complies in form and content with the Act, I find that the Landlord is entitled to an order of possession. As it was not necessary for the Landlord to make its own application in order to obtain the order of possession I dismiss the claim for recovery of the filing fee.

### Conclusion

**I grant** an Order of Possession to the Landlord. The Tenants must be served with this **Order of Possession**. Should the Tenants 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: January 07, 2016

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Residential Tenancy Branch

