



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding McKenzie Manor Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

The tenants applied for dispute resolution of a dispute in the tenancy at the above address and requested an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy October 27, 2015 and setting the end of tenancy for November 30, 2015. Only the landlord's agents attended the tele-conference hearing which lasted 10 minutes.

Issue(s) to be Decided

Is the landlord entitled to an Order for Possession?

Background and Evidence

Based on the evidence of the landlord's agents I find that the Notice to End the Tenancy was served on the tenants by handing it to them on October 27, 2015. The Notice to End a Residential Tenancy relies on sections 47(1)(d) and (i) of the Residential Tenancy Act. That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

The tenants disputed the Notice by making this application but failed to attend the hearing which lasted ten minutes. Accordingly I dismissed their application. I confirmed

the Notice. The landlord's agent JK testified that the tenants have not paid any rent for this month and requested an Order for Possession.

Analysis

Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. I dismissed the tenants' application and upheld the Notice. The landlord requested an Order for Possession at the hearing. As a result I granted the landlord an Order for Possession effective two days after service on the tenants.

Conclusion

I have dismissed the tenants' application herein and upheld the Notice. I granted the landlord an Order for Possession effective two days after service on the tenants. The tenants must be served with this decision and Order as soon as possible. Should the tenants fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I have not made any order as to the recovery of the filing fee.

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 06, 2016

Residential Tenancy Branch

