



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COOL-AID SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside and an order to allow the tenant more time to make an application to cancel a notice to end tenancy. The landlord participated in the conference call hearing but the tenant did not. The tenant is the applicant in this matter and served the landlord notice of today's hearing. I am satisfied that the tenant is aware of today's hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the notice to end tenancy set aside?

Is the tenant entitled to an order to allow them more time to make an application to end a tenancy?

Background and Evidence

The landlord gave the following testimony. The tenancy began on or about September 1, 2014. Rent in the amount of \$375.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$375.00. The landlord stated that the tenant resides in supportive housing. The landlord stated that the tenant had been given numerous cautions verbally and in writing about his behaviour. The landlord stated that the tenant

is a hoarder and has refused the landlord access to his unit for pest control. The landlord stated that the tenant has barricaded himself in the unit and chained the door shut so that pest control could not go in and spray the unit. The landlord stated that the tenant has done this on numerous occasions putting other tenants at risk and affecting the right of the landlord to conduct their business. The landlord issued a Notice to End Tenancy for Cause on December 10, 2015. The landlord requests an order of possession.

Analysis

When a landlord issues a notice under Section 47 of the Act they bear the responsibility in providing sufficient evidence to support the issuance of that notice. The landlord issued the notice to end tenancy on the grounds that the tenant seriously jeopardized the health and safety, or a lawful right or interest of the landlord or another occupant. The landlord has provided sufficient evidence to support the issuance of the notice on that ground.

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for cause. Although the tenant did apply for dispute resolution to dispute the notice, they did not participate in today's hearing nor did they submit any evidence for consideration. Based on the above facts I find that the landlord is entitled to an order of possession.

The tenant must be served with the 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. The landlord advised the tenant has paid rent for the month of February which he was given a receipt for use and occupancy only. Due to the timing of the hearing and the specifics of this particular tenancy, I find that the order of possession is to take effect at 1:00 p.m. on February 29, 2016.

Conclusion

The One Month Notice to End Tenancy for Cause dated December 10, 2015 is of full effect and force. The landlord is granted an order of possession. The tenancy is terminated.

The tenants' application is dismissed in its entirety.

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: February 11, 2016

Residential Tenancy Branch

