



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for cause
- b. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenant makes a claim for an order to cancel the one month Notice to End Tenancy dated January 27, 2016.

The Tenant failed to contact the telephone bridge number at the scheduled start of the hearing. The telephone line conference line remained open and the phone system was monitored for ten minutes. The tenant failed to appear. I then proceeded with the hearing in the absence of the Tenant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant on January 27, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the Tenant on February 19, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling a one month Notice to End dated January 27, 2016?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on February 27, 2014. The rent is \$520 per month payable on the first day of each month. The tenant paid a security deposit of \$260 at the start of the tenancy.

Grounds for Termination:

The grounds set out in the Notice to End Tenancy are as follows:

- Tenant has allowed an unreasonable number of occupants in the unit/site
- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord
 - put the landlord's property at significant risk

Tenant's Application:

The tenant failed to attend the hearing. As a result I dismissed the Tenant's application without liberty to re-apply.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Landlord's Application Analysis - Order of Possession:

I determined the landlord has established sufficient grounds to end the tenancy and I granted an Order for Possession. I am satisfied based on the evidence presented that:

- The Tenant has allowed an unreasonable number of occupants in the rental unit.
- The Tenant has significantly interfered with or unreasonably disturbed another occupant but excessive noise in the early hours of the morning, threatening other tenants, causing damage to the rental property and using the rental unit to break apart bicycles.

I set the effective date of the Order for Possession for the end of March as the rent has been paid for March.

Accordingly, I granted the landlord an Order for Possession effective March 31, 2016.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

The landlord has been successful with its application. I ordered that the tenant pay to the landlord the sum of \$100 for the cost of the filing fee such sum may be deducted from the security deposit.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court 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: March 21, 2016

Residential Tenancy Branch

