



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA WOMEN'S RESOURCE SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC MND FF

Introduction:

Only the landlord attended this hearing and gave sworn testimony that they served the Notice to End Tenancy dated January 27, 2016 to be effective February 29, 2016 by posting it on the door and the Application for Dispute Resolution personally. The landlord requests pursuant to the *Residential Tenancy Act* (the Act) to obtain an Order of Possession for the landlord for cause pursuant to section 47.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenancy is ended pursuant to section 47 and they are entitled to an Order of Possession?

Background and Evidence

Only the landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The undisputed evidence is that the tenancy commenced in November 2015 with a change in room in December 2015, rent is \$375 a month and a security deposit of \$225 was paid on November 2, 2015. The landlord served the Notice to End Tenancy pursuant to section 47 for the following reasons:

- a) The tenant or a person permitted on the property by them
 - (i) Has significantly interfered with and unreasonably disturbed another occupant or the landlord;
 - (ii) has seriously jeopardized the health, safety or lawful right of another occupant or the landlord;
- b) The tenant has engaged in illegal activity that has, or is likely to
 - (iii) adversely affect the quiet enjoyment, security, safety or physical wellbeing of another occupant or the landlord.

Analysis:

The Tenant has not made application pursuant to Section 47 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the

Residential Tenancy Act provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. An Order of Possession is issued effective two days from service as requested.

Furthermore, the landlord filed a significant amount of evidence of the activities of the tenant including digital evidence and statements from other residents. I find the preponderance of the evidence is that the landlord has good cause to end the tenancy as the tenant is significantly interfering with and unreasonably disturbing other occupants and jeopardizing their health and safety.

Conclusion:

I find the landlord entitled to an Order of Possession effective two days from service. The landlord waived 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: April 27, 2016

Residential Tenancy Branch