



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 585981 ALBERTA LTD. DBA CHRYSALIS HOMES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC

Introduction:

Only the landlord attended the hearing and gave evidence that the Notice to End Tenancy for cause dated April 21, 2016 to be effective March 31, 2016 and the Application for Dispute Resolution were both served personally with the witness present. I find the documents were legally served for the purposes of this hearing. The landlord requests pursuant to the *Residential Tenancy Act* (the Act) an Order of Possession for cause pursuant to section 47. No filing fee is requested.

Issue(s) to be Decided:

Is the landlord entitled to an Order of Possession?

Background and Evidence

Only the landlord with witnesses 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 September 1, 2015, it is now a month to month tenancy, rent is \$895 a month and no security deposit was paid as the tenant needed to put this towards her rent. This is stated in the tenancy agreement in evidence.

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 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.

The landlord stated the tenant engaged in continual arguments and disputes with other tenants causing them stress and health issues. The Police had to be called when she

was pulling the hair of another tenant. The tenants around her work long shifts and the tenant behaviour constantly disturbs them during the day and at night. She has guests who are known to Police and this makes the other residents uneasy.

In evidence is the tenancy agreement, the Notice to End Tenancy, Proof of Service, landlord logs detailing ongoing problems and a number of emails.

Analysis:

Section 47 of the Act provides that a landlord may serve a One Month Notice for cause. Section 47(4) states a tenant has 10 days to make an Application to dispute the Notice and if no application is made, section 47(5) provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and must vacate the unit by that date. I find this Notice was served on April 21, 2016 personally and the tenant has not applied within the 10 day limit. I find the tenancy ended on May 31, 2016 and the landlord is entitled to an Order of Possession.

Furthermore, based on the evidence provided, I find the landlord had good cause to end this tenancy.

Conclusion:

The landlord is issued an Order of Possession effective two days from service. No filing fee was requested so none is awarded.

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: June 08, 2016

Residential Tenancy Branch