



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

The tenant applied for an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy May 30, 2015 and setting the end of tenancy for June 30, 2016. Only the landlord's agent attended the tele-conference hearing which lasted 11 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 agent I find that the Notice to End the Tenancy was served on the tenant by handing it to her on May 30, 2016. The Notice to End a Residential Tenancy relies on sections 47(1) (d) (i) and (e)(ii) 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,

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that

(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

The tenant disputed the Notice by making this application but failed to attend the hearing which lasted eleven minutes. Accordingly I dismissed the tenant's application. I confirmed the Notice. The landlord's agent testified that the tenant paid the 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 an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. I dismissed the tenant's application and upheld the Notice. As a result I granted the landlord an Order for Possession effective July 31, 2016 after service on the tenant.

### Conclusion

I have dismissed the tenant's application herein and upheld the Notice. I granted the landlord an Order for Possession effective July 31, 2016 after service on the tenant. The tenant must be served with this decision and 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. 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: July 05, 2016

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Residential Tenancy Branch