



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BOUNDARY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR OPC MNSD FF

Introduction:

Only the landlord attended the hearing and gave sworn testimony that the One Month Notice to End Tenancy for cause (dated April 22 to be effective May 31, 2016) was served by posting it on the door and the Application for Dispute Resolution was served personally. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46 or 47 and 55;
- c) To retain the security deposit to offset the amount owing; and
- d) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

Is the landlord entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on May 1, 2015 rent is \$850 a month and a security deposit of \$425 was paid. The landlord testified that the tenant is in rent arrears of \$1690.50 as of July 2016. She gave evidence that a 10 Day Notice to End Tenancy for unpaid rent was served in May 2016 but the tenant paid the arrears at that time. However he has not paid rent since. A rental ledger is in evidence showing partial payments from time to time and that he owed \$840.50 as of June 1, 2016; now he owes July rent also.

The Notice to End Tenancy for Cause was served because the tenant or persons permitted on the property by him are significantly interfering with or unreasonably disturbing other occupants or the landlord. The landlord provided one letter of complaint listing noise like banging and smashing, loud screaming and fighting between the guests of this suite and another one and the fact that Police had to be called. The letter writer found it terrifying and feels unsafe. The landlord also provided copies of two Breach letters sent to the tenant on March 25th and 30^h citing similar disturbances. The landlord said they risk losing other tenants because of this

behaviour. They request an Order of Possession effective as soon as possible and a monetary order for rental arrears and filing fee.

In evidence is the Notice to End Tenancy, the lease agreement, the rent ledger, a letter of complaint and two Breach letters. On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of Possession. I find the landlord has provided sufficient evidence of good cause to end this tenancy. I find the tenant and/or his guests are significantly interfering with or unreasonably disturbing the quiet enjoyment of other occupants to the point where they are contemplating moving. 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. The tenancy ended on May 31, 2016. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears in the amount of \$1690.50 representing rental arrears and over-holding rent to July 2016. I find the landlord entitled to retain the security deposit to offset the amount owing.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

Rental arrears and over-holding rent to July 2016	1690.50
Filing fee	100.00
Less security deposit (no interest 2015-16)	-425.00
Total Monetary Order to Landlord	1365.50

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 21, 2016

Residential Tenancy Branch

