



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with an application by the landlord seeking an order of possession and an order to recover the filing fee for this application. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by having a witness present when personally serving him on July 12, 2016. I found that the tenant has been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlords' agent gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to the recovery of the filing fee for this application?

### Background and Evidence

The landlords' agent gave the following testimony. The tenancy began on or about March 27, 2016. Rent in the amount of \$650.00 is payable in advance on the first day of each month. The tenant did not provide a security deposit. The landlord issued a One Month Notice to End Tenancy for Cause on May 23, 2016 for the following ground:

The 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 and safety or lawful right of another occupant or the landlord
- Put the landlords property at significant risk

The agent stated that the police have attended on numerous occasions as the tenant was physically assaulting his girlfriend. The agent stated that fire department and paramedics also attended on numerous occasions. The agent stated that a dead body was found in the unit and remained there until emergency services arrived. The agent stated that the upstairs tenants have a young child and are fearful of the subject tenant. The agent stated that the subject tenants' behaviour has significantly disturbed the upstairs tenants on numerous occasions. The agent stated that since the landlord issued the notice to end tenancy, the tenants' erratic and aggressive behaviour has escalated and things have gotten worse.

### Analysis

While I have turned my mind to all the documentary evidence and the testimony of the landlords' agent, not all details of the respective submissions and arguments are reproduced here. .

I accept the landlord's agent's undisputed testimony and I find that the tenant was served with a notice to end tenancy for cause. The landlord has provided sufficient evidence to show that the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord. In addition, the tenant did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the

order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The One Month Notice to End Tenancy for Cause dated May 23, 2016 is confirmed. It is of full effect and force. The tenancy is terminated.

The landlord is also entitled to recovery of the \$100.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$100.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$100.00.

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: August 25, 2016

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Residential Tenancy Branch

