



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding TALLMAN CONSTRUCTION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order to end the tenancy early and receive an order of possession, and to recover the cost of the filing fee.

An agent for the landlord (the "agent") attended the teleconference hearing which began promptly at 9:30 a.m. Pacific Time on Tuesday, September 13, 2016. The agent gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The agent provided affirmed testimony that the Notice of Hearing, Application and documentary evidence were served on the tenant by posting to the tenant's door on August 18, 2016 which was witnessed by D.F.

Section 90 of the *Act* states that documents served by posting to the door are deemed served three days later. As a result, and without any other evidence before me to prove to the contrary, I find the tenant was deemed served with the Notice of Hearing, Application and documentary evidence on August 21, 2016.

### Issue to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?

### Background and Evidence

A copy of the tenancy agreement was submitted in evidence by the landlord. A fixed term tenancy began on March 15, 2015 and reverted to a month to month tenancy after March 31, 2016. Monthly rent of \$1,300.00 is due on the first day of each month. The tenant paid a security deposit of \$650.00 at the start of the tenancy.

The agent testified that while the rental unit may have been abandoned they were still seeking an order of possession in case the tenant returns to the rental unit. As a result, the agent testified under oath that the tenant was hoarding in the rental unit and introduced bed bugs into the building which resulted in several neighbouring units becoming infested with bed bugs also. The agent stated that the tenant's actions cause a health and safety concern in the building due to the amount of garbage in her unit and the sheer number of bed bugs which were supported by the photographic evidence.

### Analysis

Based on the foregoing, the agent's undisputed documentary evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the tenant, or a person permitted on the residential property by the tenant, has seriously jeopardized the health and safety of a lawful right or interest of the landlord or another occupant. I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

In addition, I note that as the tenant was served with the Notice of Hearing, Application and documentary evidence, I find this Application to be unopposed by the tenant. Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of possession for the rental unit effective not later than **two (2) days** after service of the Order on the tenant.

As the landlord's application was successful, I grant the landlord the recovery of the cost of the filing fee in the amount of \$100.00. Pursuant to section 67 and 72 of the *Act*, **I authorize** the landlord to retain **\$100.00** from the tenant's security deposit in full satisfaction of the landlord's recovery of the cost of the filing fee. I find that the tenant's security deposit is reduced from \$650.00 to \$550.00 as a result.

Conclusion

The landlord's application is successful.

The landlord has been granted an order of possession for the rental unit effective not later than two (2) days after service on the tenant. This order may be enforced through the Supreme Court of British Columbia.

The landlord has been authorized to retain \$100.00 from the tenant's security deposit in full satisfaction of the landlord's recovery of the cost of the filing fee. I find that the tenant's security deposit is reduced from \$650.00 to \$550.00 as a result.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: September 13, 2016

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Residential Tenancy Branch