



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT

Introduction

The tenant applied for dispute resolution of a dispute in the tenancy at the above address and requested an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy September 12, 2106 and setting the end of tenancy for September 22, 2016. Only the landlord attended the tele-conference earing which lasted 13 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 I find that the Notice to End the Tenancy was served on the tenant by handing it to him on September 12, 2106. The Notice to End a Residential Tenancy relies on sections 47(1) (c), (d) and (i) and (ii) of the Residential Tenancy Act. Those sections provide 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:

(c) there are an unreasonable number of occupants in a rental unit;

(d) the tenant or a person permitted on the residential property by the tenant has

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or

(iii) put the landlord's property at significant risk;

The landlord requested an Order for Possession.

Analysis

The tenant disputed the Notice by making this application but failed to attend the hearing which lasted thirteen minutes. Accordingly I dismissed the tenant's application. The notice has some defects. The effective date is incorrect and I have corrected it to October 31, 2016 pursuant to section 53 of the Act. The notice was altered by the landlord by crossing out One month Notice and replacing it with ten days. I find that the tenant was not misled by the notice as he disputed it.. Accordingly I confirmed the Notice.

Section 55(1) provides that the arbitrator must grant an order of possession of the rental unit if, if an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. I dismissed the tenants' application and upheld the Notice. The landlord requested an Order for Possession at the hearing. As the tenant has paid rent for November 2016, I granted the landlord an Order for Possession effective on November 30, 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 on November 30, 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: November 15, 2016

Residential Tenancy Branch