



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC

This hearing was scheduled to consider cross-applications pursuant to the *Residential Tenancy Act* (the “Act”).

The tenant seeks:

- cancellation of the landlords’ 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”) pursuant to section 47.

The landlords seek:

- an Order of Possession for cause pursuant to section 55.

The personal landlord attended the hearing representing both himself and the corporate landlord (the “Landlord”) and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant did not attend this hearing, which lasted approximately 30 minutes. Therefore, as the applicant did not attend the hearing, and the respondent appeared and was ready to proceed, I dismiss the tenant’s claim without leave to reapply.

The Landlord testified that he personally served the tenant with the 1 Month Notice dated October 26, 2016 on that date. In accordance with section 88 of the *Act*, I find that the tenant was served with the 1 Month Notice on October 26, 2016.

The Landlord confirmed receipt of the tenant’s application for dispute resolution dated November 8, 2016, on November 9, 2016. I find that the landlords were served with the tenant’s application in accordance with section 89 of the *Act* on November 9, 2016.

The Landlord testified that he personally served the tenant with the landlords’ application for dispute resolution dated November 8, 2016 on that date. I find that the tenant was served with the application for dispute resolution in accordance with section 89(2) of the *Act* on November 8, 2016.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for cause?

Background and Evidence

The Landlord provided undisputed testimony regarding the following facts. The landlords took over this month to month tenancy in June, 2016. There is no written tenancy agreement but the current rent is \$575.00 payable on the 1st of the month. The Landlord is not aware of any security deposit having been paid by the tenant for this tenancy. The tenant continues to reside in the rental unit.

The Landlord testified that the tenant and guests of the tenant actively use illicit drugs within the rental unit and in the common areas of the building. The Landlord testified that the tenant and his guests are shooting up in the halls and stairwells, discarding needles and garbage, vandalizing the common areas, stealing fire extinguishers from the hallways, and have significantly interfered with the other residents' security, safety and quiet enjoyment of life. The Landlord testified that police and emergency services have been called to the building on multiple occasions when the tenant's guests have overdosed or there have been violent altercations or disturbances. The Landlord submitted into evidence written statements from several neighbors complaining about the tenant and his guests jeopardizing their safety and well-being.

Analysis

The Landlord provided undisputed evidence at this hearing, as the tenant did not attend. I am satisfied that the form and content of the landlords' 1 Month Notice complies with section 52 of the *Act* and was served in accordance with section 88 of the *Act*. I accept the Landlord's evidence that the tenant and persons permitted onto the property by the tenant have engaged in illegal activities that have adversely affected the quiet enjoyment of other occupants, seriously jeopardized the safety of other occupants, and have damaged and put the property at significant risk.

As I have dismissed the tenant's application to dispute the 1 Month Notice I find that the landlords are entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlords effective **2 days after service on the tenant(s)**. Should the tenant(s) or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The tenant's application is dismissed without leave to reapply.

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: December 21, 2016

Residential Tenancy Branch