



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNE, MNSD, AAT, O

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated March 31, 2017 setting the end of tenancy for April 30, 2017
- b. A monetary order in the sum of \$75
- c. An order for the return of the security deposit

The applicant failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear. I then proceed with the hearing in the absence of the applicant.

On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was served on the Tenant by posting on March 31, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing by registered mail to where the landlord carries on business. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated March 31, 2017?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to an order for the return of his security deposit?

Background and Evidence

The tenancy began on March 3, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$450 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$225 at the start of the tenancy.

The rent for May has been paid and the landlord has accepted the payment “for use and occupation only.”

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord
 - ...
 - put the landlord's property at significant risk
- Tenant has engaged in illegal activity that has, or is likely to:
 - ...
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
- Tenant has caused extraordinary damage to the unit/site or property/park

Analysis:

I determined the landlord has sufficient cause of end the tenancy based on the evidence presented at the hearing. I am satisfied the tenant has significantly interred with or unreasonably disturbed another occupant or the landlord. The tenant failed to appear and failed to provide sufficient evidence to dispute the evidence presented by the landlord.

As a result I ordered that the application to cancel the one month Notice to End Tenancy and the monetary order be dismissed without liberty to re-apply. The tenancy will end on May 31, 2017.

The application for the return of the security deposit is premature. I order this claim be dismissed with liberty to re-apply.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession. The rent has been paid to the end of May and was accepted by the landlord "for use and occupation only." I set the effective date of the Order of Possession for May 31, 2017.

The tenant must be served with this 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.

This decision is final and binding on the parties.

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: May 10, 2017

Residential Tenancy Branch