



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for cause pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord, DJ (the "landlord") appeared and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), dated May 24, 2017 was served on the tenant by posting on the rental unit door, on that date. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was served with the landlords' 1 Month Notice on May 27, 2017, three days after posting.

The landlord testified that the landlord's original application for dispute resolution dated May 15, 2017 was served on the tenant by posting on the rental unit door on that same date. The landlord testified that an amendment to the application dated May 24, 2017 was posted on the rental unit door on that date. I find that the tenant was served with the landlord's application and subsequent amendment in accordance with sections 88, 89 and 90 of the *Act*, on May 18, 2017 and May 27, 2017, respectively.

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. This month-to-month tenancy began in February, 2017. The current monthly rent is \$350.00

payable on the first of each month. The tenant is also responsible for paying \$100.00 for utilities each month.

The landlord testified that the tenant has threatened numerous neighbors and the landlord, has created noise disturbances and has trespassed into neighboring rental units. The landlord said the tenant's behaviour has seriously jeopardized the health and safety of other occupants of the rental building.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend.

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has failed to file an application for dispute resolution within the 10 days of service granted under section 47(4) of the *Act*. Accordingly, I find that the tenant is conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ends on the effective date of the 1 Month Notice, July 1, 2017.

I find that the landlords' 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **July 1, 2017**. Should the tenant 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.

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: June 13, 2017

Residential Tenancy Branch