



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF, CNC, CNR

### Introduction

This hearing dealt with cross applications pursuant to the *Residential Tenancy Act* (the *Act*) for:

The landlord applied for:

- an Order of Possession for unpaid rent pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on June 2, 2017. The landlord entered into written evidence copies of

the tracking slips, including the Canada Post Tracking Number, showing that the tenant did not claim the item. In accordance with sections 89 and 90 of the *Act*, I am satisfied that the tenant was deemed served with the landlord's dispute resolution hearing package.

### Preliminary Issue

The tenant filed two applications to dispute two separate notices. As the tenant chose not to participate in this hearing or submit any documentation for consideration, I hereby dismiss both of the tenants' applications in their entirety.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to a One Month Notice to End Tenancy for Cause?

Is the landlord entitled to the recovery of the filing fee from the tenant for this application?

### Background and Evidence

The landlord gave the following undisputed testimony. The tenancy began on or about August 1, 2016. Rent in the amount of \$510.00 is payable in advance on the first day of each month. The landlord issued a One Month Notice to End Tenancy for Cause on April 25, 2017 for the following reasons:

*(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*

*(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,*

*(iii) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;*

*(h) the tenant*

*(i) has failed to comply with a material term, and*

*(ii) has not corrected the situation within a reasonable time after the landlord gives written notice to do so;*

;

The landlord testified this is a low cost housing unit. The landlord testified that the tenant rent is based on her and her son occupying the unit. The landlord testified that the tenant has allowed her boyfriend and his two children move in without the landlords' approval or without submitting the paperwork to be considered. The landlord testified that due to the higher than allowable number of people in the unit the tenant has breached a material term of her tenancy agreement. The landlord testified that they have also received numerous complaints from other tenants that the subject tenants are interfering with the quiet enjoyment of others. The landlord testified that there is also unpaid rent. The landlord seeks an order of possession.

### Analysis

When a landlord issues a notice under section 47 of the Act they must provide sufficient evidence to justify the issuance of that notice. The landlord has provided sufficient evidence to support each ground as noted on the Notice to End Tenancy. The tenant filed an application to dispute the notice, but has not submitted any disputing evidence or participated in this hearing. Based on the documentation before me and in the absence of any disputing evidence, I find that the landlord is entitled to an order of possession. The form and content of the Notice is in accordance with the section 52 of the Act. The One Month Notice to End Tenancy for Cause dated April 25, 2017 with an effective date of May 31, 2017 is in full effect and force. The tenancy is terminated.

As the landlord has been successful in their application they are entitled to the recovery of the \$100.00 filing fee.

Conclusion

The landlord is granted an order of possession and a monetary order of \$100.00.

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: July 20, 2017

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Residential Tenancy Branch