



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MORE THAN A ROOF MENNONITE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC FF

Introduction:

Only the applicant landlord's agent attended the hearing and gave sworn testimony. The Notice to End Tenancy is dated September 22, 2017 to be effective October 31, 2017 and he said he personally served the tenant with it and with the Application for Dispute Resolution. I find the documents were legally served pursuant to section 89 for the purposes of this hearing. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To obtain an Order of Possession for cause pursuant to section 47.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenancy is ended pursuant to section 47 and they are entitled to an Order of Possession? Is the landlord entitled to recover the filing fee?

Background and Evidence

Only the landlord's agent attended the hearing although the tenant was served with the Application/Notice of Hearing. The agent was given opportunity to be heard, to provide evidence and to make submissions. The undisputed evidence is that the tenancy commenced September 1, 2013, rent is \$348 a month as subsidized and no security deposit was paid or required.

The landlord served the Notice to End Tenancy pursuant to section 47 for the following reasons:

- a) The tenant or a person permitted on the property by them
 - (i) has significantly interfered with and unreasonably disturbed another occupant or the landlord;
- b) Has breached a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The landlord's agent described how the tenant was making loud noises and swearing late into the night. He also appears to have guests using drugs. The landlord provided many letters from other tenants complaining how this behaviour was disturbing their peaceful enjoyment. He said the tenant has some serious issues that cause him to be a significant disturbance to others but he refuses help. The landlord requests an Order of Possession effective as soon as possible but is waiving the filing fee for this application.

Analysis:

Section 47 of the Act provides a landlord may end a tenancy if there is sufficient cause. Causes, any one of which may be a sufficient reason, are listed in that section. I find section 47(4) states a tenant has 10 days to dispute the Notice to End Tenancy. If they do not file an application to dispute within this time, I find section 47(5) provides they are conclusively presumed to have accepted the end of the tenancy on the date set out on the notice and must vacate the rental unit by that date.

Furthermore, I find the weight of the evidence is that the tenant and his guests have significantly interfered with and unreasonably disturbed the peaceful enjoyment of other residents. I find the landlord entitled to an Order of Possession.

Conclusion:

I find the landlord entitled to an Order of Possession effective two days from service. They waived the filing fee so none is awarded.

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: March 08, 2018

Residential Tenancy Branch