



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC MNR FF

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on March 19, 2018. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "*Act*"):

- an order of possession based on a One Month Notice to End Tenancy for Cause (the Notice); and,
- a monetary order based on unpaid rent or utilities.

Both parties attended the hearing and provided testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Is the Landlord entitled to an order of possession under the *Act*?
- Is the Landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

During the hearing, both parties agreed that current rent is \$1,250.00 and is due on the first of the month. Both parties also agreed in the hearing that the amount of outstanding rent at this time is \$950.00, accounting for the period up until the end of March 2018.

The Tenant acknowledged receipt of the Notice on December 18, 2017. The Landlord listed the effective date as January 31, 2018, and issued it on the following basis:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord.
- put the landlord's property at significant risk.

Tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to:

- damage the landlord's property.
- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant.
- jeopardize a lawful right or interest of another occupant or the landlord.

The Tenant did not dispute the Notice.

### Analysis

Based on the testimony and documentary evidence, and on a balance of probabilities, I find:

Section 47 of the *Act* permits a landlord to end a tenancy for cause. A tenant who receives a notice to end tenancy for cause has 10 days after receipt to dispute it by making an application for dispute resolution. Failure to dispute the notice to end tenancy for cause in this period results in the conclusive presumption that the tenant has accepted the end of the tenancy.

In this case, the Landlord issued the Notice on the bases indicated above. The Tenant acknowledged receiving the Notice on December 18, 2017. The Tenant had 10 days, until December 28, 2017, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the *Act*, I find the Tenant is conclusively presumed to have accepted the end of the tenancy.

I find the Landlord is entitled to an order of possession. This order of possession will be effective two (2) days after it is served on the Tenant. The Landlord indicated that they would not enforce this order if the Tenant paid the outstanding balance of rent for the month of March (\$950.00). The Tenant indicated she would make efforts to pay this amount.

With respect to the Landlord's request for a Monetary Order for unpaid rent, I find there is sufficient evidence before me (as summarized above) to demonstrate that the Tenant owes and has failed to pay \$950.00 in rent as of the time of this hearing.

Further, section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was successful in this hearing, I order the Tenant to repay the \$100. In summary, I find the Landlord is entitled to a monetary order in the amount of \$1,050.00.

### Conclusion

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$1,050.00**. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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 20, 2018

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Residential Tenancy Branch