



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SHERLOCK ENTERPRISES CO. LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC AS LRE PSF FF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the Act") for: cancellation of the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 47; an order that the landlord provide services or facilities required by law pursuant to section 65; an order allowing the tenant to assign or sublet pursuant to section 65; and an order to allow access to the rental unit by the tenant and tenant's guests pursuant to section 70; and authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants/applicants did not attend this hearing although the teleconference line remained open from 11:00 a.m. (scheduled hearing time) until approximately 11:25 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord's representative and I were the only ones who had called into this teleconference. The landlord's representative ("the landlord") confirmed that she had received the tenants' Dispute Resolution package for this hearing. The landlord submitted 14 pages of evidence for this hearing and she testified that the material had been provided in person to the tenants. She also confirmed that she had personally served the tenants at the rental unit door on January 31, 2018 with a 1 Month Notice to End Tenancy for Cause. The landlord sought an Order of Possession if the tenants were not successful in their application.

### Issue(s) to be Decided

As the tenant(s)/applicants have not attended for their application to cancel the landlord's 1 Month Notice to End Tenancy, is the landlord entitled to an Order of Possession?

### Background and Evidence

According to the undisputed testimony of the landlord at this hearing, this tenancy began on September 1, 2016 with a rental amount of \$925.00. The landlord also

submitted documentary evidence including a copy of the residential tenancy agreement. The current rental amount of \$960.00 is payable on the first of each month.

As a result of receiving information about a second person residing in the unit from a third party, the landlord testified that she approached the tenant. She testified that she eventually discover that two unknown parties were residing in the rental unit. The landlord is not certain as to whether the tenant continues to reside in the rental unit. The landlord testified that, after discovering the tenant had deceived her and not requested her permission to sublet the rental unit as well as attempts to resolve the issue by contacting the tenant, the landlord issued a 1 Month Notice to End Tenancy. The landlord's 1 Month Notice to End Tenancy submitted as evidence for this hearing relied on three grounds to end the tenancy:

- *that the tenant had an unreasonable number of guests living in his rental unit;*
- *that the tenant has subletted the rental unit without the permission of the landlord;*
- *and that the tenant has knowingly provided false information to a prospective tenant.*

The landlord testified that, in January 2018, she discovered that an unknown person was residing in the rental unit. The landlord testified that she was advised that the tenant had 'rented out' the unit to this unknown person. She testified that she took an application from that unknown person in an attempt to determine whether this person might be an acceptable subletter to the rental unit. She testified that she took steps to confirm the details of the application.

The landlord testified that she was unable to reach the references provided by the potential subletter and that she encountered information regarding finances that made the second person an unacceptable applicant. The landlord also testified that she became aware that the unknown person (potential subletter) and the tenant's girlfriend as well as the tenant himself had all provided false information to a government agency in order to have a portion of their rent paid by the third party government agency. She submitted some documentation in support of her testimony.

The landlord testified that, after making inquiries into the potential subletter, she was not satisfied with the second person's application, was concerned about misinformation provided to a third party payor for the rental unit and was also concerned about the number of people residing in the rental unit. She testified that she attempted to advise both the subletter and the tenant but received no response. After the issuance of her 1 Month Notice to End Tenancy, the tenant submitted an application to cancel that notice.

### Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld.

Based on the undisputed evidence submitted by the landlord, I find that the form and content of the landlord's 1 Month Notice is in compliance with the Act. I accept the undisputed testimony of the landlord with respect to the tenants' sublet of the rental unit without the permission of the landlord. I accept the testimony and supporting documentary evidence of the landlord that show her steps to consider the second person (potential subletter) application and the reasons provided for denying that application. For these reasons, I dismiss the tenants' application to cancel the notice to end tenancy. Further, I note that the tenants have not attended to provide evidence in support of their own application to cancel the notice to end tenancy.

As I have dismissed the tenants' application and find the landlord was justified in issuing a 1 Month Notice to End Tenancy for Cause, I find that the landlord is entitled to a 2 day Order of Possession pursuant to section 55 of the Act.

### Conclusion

I dismiss the tenants' application in its entirety.

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) 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: April 16, 2018

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Residential Tenancy Branch