



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, OPC

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55; and
- authorization to recover the filing fee from the tenant for this application 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 personally served to the tenant in the presence of a witness on September 10, 2018. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package and the hearing proceeded and completed in the absence of the tenant.

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?

Background and Evidence

The tenancy began on or about April 1, 2017. Rent in the amount of \$550.00 is payable in advance on the first day of each month. No security deposit was paid. The landlord

issued a One Month Notice to End Tenancy for Cause pursuant to section 47 on August 13, 2018 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,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that

(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

(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 that the tenant is a drug user that has numerous people coming to his suite at all hours of the day. The landlord testified that the tenant is extremely violent and aggressive. The landlord testified that the tenant has made threats towards her and her family requiring the police to attend. The landlord testified that she has begged and pleaded with him to stop his behaviour or move out, but to no avail. The landlord requests an order of possession for October 31, 2018 as the tenant has paid the rent for the month of October.

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 undisputed evidence that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property, accordingly; I am satisfied

that the tenancy must end. I find that the One Month Notice complies with section 52 of the *Act* and therefore, the landlord is entitled to an order of possession pursuant to section 55 of the *Act*.

The One Month Notice to End Tenancy for Cause dated August 13, 2018 is in full effect and force. The tenancy is terminated.

The landlord is 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: October 19, 2018

Residential Tenancy Branch