



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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 (the 1 Month Notice) pursuant to section 47.

The tenant did not participate in the teleconference but his support worker did. ZW advised that he was unaware of the tenants' whereabouts' and did not have instructions to appear as his agent. The landlord also participated in the teleconference. Both parties confirmed that they had exchanged their documentary evidence. Both parties gave affirmed evidence.

Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord gave the following testimony. Monthly rent is set at \$977.00, payable in advance on the first of each month. The tenant has paid for the month of September.

The landlord's 1 Month Notice cited the following reasons for seeking an end to this tenancy for cause.

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

- *seriously jeopardized the health or safety or lawful right of another occupant or the landlord;*
- *put the landlord's property at significant risk.*
- *Tenant has caused extraordinary damage to the unit/site or property/park.*

The landlord testified that the tenant has removed the smoke detectors on two separate occasions despite being given written warnings not to do so. The landlord testified that as a result of the tenant suffering a mental health episode; the landlord discovered that the unit was in a "distressed state". The landlord testified that the unit had been severely damaged and that they also have concerns about the tenants' well-being and safety along with other tenants. The landlord requests an order of possession.

ZW advised that the tenant had been in contact with him as recently as a week before the hearing and was at a loss as to why the tenant did not participate.

Analysis

When a landlord issues a notice to end a tenancy under section 47 of the Act, they bear the responsibility in providing sufficient evidence to support the issuance of the notice. Based on the landlords undisputed testimony and supporting documentation, I am satisfied that the One Month Notice to End Tenancy for Cause dated July 5, 2018 has been proven on all grounds. The notice is confirmed, the tenancy is terminated.

Section 55 of the Act reads in part as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I find that the landlord's 1 Month Notice was issued on the correct form and included all of the required information in order to comply with section 52 of the Act as to the form and content of that Notice. I dismiss the tenant's application to cancel the 1 Month

Notice and issue the landlord an Order of Possession in accordance with section 55(1) of the *Act*. The landlord advised that as the tenant has paid the rent for the month and due to his health, he is content with the order of possession taking effect at 1:00 p.m. on September 30, 2018.

Conclusion

I dismiss the tenant's application to cancel the 1 Month Notice. The One Month Notice to End Tenancy for Cause dated July 5, 2018 is confirmed, the tenancy is terminated. I grant an Order of Possession to the landlord. Should the tenant 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: September 10, 2018

Residential Tenancy Branch