



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Victoria Cool Aid Society and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened in response to an application made by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and the Landlord’s initial evidence (the “Materials”) in person on April 3, 2019 in accordance with Section 89 of the Act. I also accept the Landlord’s evidence that the Tenant was served with the remainder of the Landlord’s evidence in person on May 2, 2019. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy under written agreement started on June 7, 2018. Rent of \$375.00 is payable on or before the first day of each month. No security deposit was collected. On February 14, 2019 the Landlord served the Tenant with a one month notice to end tenancy for cause (the “Notice”). The reason stated on the Notice is that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord. The Notice sets out on the

details under the reasons. The Landlord states that since June 2018 the Tenant has repeatedly caused loud noise by yelling and screaming and by engaging in violence with the Tenant's partner both in the unit and in the common areas. The incidents have been witnessed by both the Landlord's employees and other tenants. The employees have been unreasonably disturbed by the incidents and the Landlord has received complaints from several tenants that they have been unreasonably disturbed by the incidents. The Landlord provides occurrence reports, and log notes of the incidents and complaints. The Landlord also provides caution letters given to the Tenant in November 2018 and January 2019. The Tenant has paid full rent for May 2019 and the Landlord seeks an order of possession for May 31, 2019.

### Analysis

Section 47(1)(d)(i) of the Act provides that a landlord may end a tenancy by giving notice to end the tenancy if the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property. Based on the undisputed and supported evidence of the Landlord I find that the Landlord has substantiated that the Tenant has unreasonably disturbed other occupants and the Landlord.

Section 47(5) of the Act provides that if a tenant who has received a notice to end tenancy for cause does not make an application for dispute resolution within 10 days after the date the tenant receives the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Section 55(2)(b) of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired. Based on the Landlord's undisputed evidence of the date of service of the Notice I find that the time allowed for the Tenant to dispute the Notice has expired. Based on the Landlord's undisputed evidence I find that the

Tenant received the Notice, did not dispute the Notice and has not moved out of the unit, I find that the Landlord is entitled to an order of possession as requested.

Conclusion

I grant the Landlord an **Order of Possession** effective 1:00 p.m. on May 31, 2019.

The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and 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: May 17, 2019

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Residential Tenancy Branch