



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction:

The Application for Dispute Resolution filed by the Tenant(s) seeks an order to cancel the one month Notice to End Tenancy dated February 28, 2019 and setting the end of tenancy for March 31, 2019.

The Applicant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on May 10, 2019. The Respondent was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenants failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The Respondent was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

I find that the one month Notice to End Tenancy was personally served on the Tenants on February 28, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord around the middle of March 2019. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant(s) are entitled to an order cancelling the Notice to End Tenancy dated February 28, 2019?

Background and Evidence:

The tenancy began approximately 7 years ago. The present rent is \$850 per month payable in advance on the first day of each month

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- 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 has engaged in illegal activity that has, or is likely to:
 - ...
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
 - jeopardize a lawful right or interest of another occupant or the landlord

The Respondent testified the tenants are significantly interfering with and unreasonably disturbing him and other tenants in the 34 unit building by their continual fights. The disturbances occur at all hours of the day and night and happen several times a day. The tenants have failed to pay the rent for May.

Determination and Orders:

The Applicant(s) failed to appear for the hearing. The Respondent was present and ready to proceed. I ordered the application dismissed without liberty to reapply. Further I determined the landlord has established sufficient cause to end the tenancy on the merits.

As a result I dismissed the tenants' application to cancel the one month Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. The approved form was used. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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 10, 2019

Residential Tenancy Branch