



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE BLOOM GROUP and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for cause pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing. The Notice of Hearing was confirmed to provide the correct hearing information. The corporate landlord was represented by its agent NB (the "landlord") who was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), dated May 14, 2019 was served on the tenant by registered mail sent on that date. The landlord provided a valid Canada Post tracking number as evidence of service. Based on the evidence, I find that the tenant was deemed served with the 1 Month Notice on May 19, 2019, five days after mailing, in accordance with sections 88, 89 and 90 of the Act.

The landlord testified that the landlord's application for dispute resolution dated June 25, 2019 was served on the tenant by registered mail sent on that same date. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was deemed served with the landlord's application in accordance with sections 89 and 90 of the Act, on June 30, 2019, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause?

Background and Evidence

This month-to-month tenancy began in 2015. The rental unit is in a multi-unit building with close to 100 units.

The landlord testified that the tenant has significantly interfered with or unreasonably disturbed other occupant or the landlord, seriously jeopardized their health or safety and has put the property at significant risk by starting several fires in the rental unit, allowing intruders access to the building and harassing the other residents of the building. The landlord submitted into evidence copies of incident reports and correspondence pertaining to the tenant's actions.

Analysis

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has failed to file an application for dispute resolution within the 10 days of service granted under section 47(4) of the *Act*. Accordingly, I find that the tenant is conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ends on the effective date of the 1 Month Notice, June 30, 2019.

I find that the landlord's 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. Based on the evidence, I find that I am satisfied on a balance of probabilities that there is cause for this tenancy to end. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date has passed I issue an Order of Possession effective two days after service.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service**. Should the tenant or any occupant on the premises 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: August 19, 2019

Residential Tenancy Branch