



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUTTON MAX REALTY and  
[tenant name suppressed to protect privacy]

## **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 his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord's agents attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord's agents gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package and evidence was sent to the tenant by registered mail on July 18, 2019. SA gave sworn testimony that the tenant received the package on July 23, 2019. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package.

### 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 from the tenant for this application?

### Background and Evidence

The landlord's agent gave the following undisputed testimony. SJ testified that the tenancy began on or about March 1, 2019. Rent in the amount of \$800.00 is payable in advance on the first day of each month. SJ testified that the tenant did not provide a security deposit and that the rent for September 2019 has not been paid. The landlord issued a One Month Notice to End Tenancy for Cause on June 6, 2019 with an effective date of July 31, 2019 by registered mail and provided the tracking number and slip to show that the tenant received the notice on June 13, 2019. The notice was issued for the following reasons:

- *Tenant has allowed an unreasonable number of occupants in the unit/site*
- *Tenant has engaged in illegal activity that has, or is likely to:*
  - *damage the landlord's property;*
  - *Tenant has caused extraordinary damage to the unit/site or property/park.*

The landlord issued the notice because the tenant has constructed a wall in the property without the landlord's authorization and caused significant damage to the unit. SJ testified that there are numerous unauthorized people living in the unit. SA testified that the tenant has cut off all communication with the landlord. The agents request an order of possession.

### 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 provided undisputed testimony and evidence to support their claim. In addition, the tenant did not file an application to dispute the notice at any time. Based on the documentation before me and in the absence of any disputing evidence from the tenant, I find that the landlord is entitled to an order of possession pursuant to section 55 of the Act. The form and content of the Notice is in accordance with the section 52 of the Act. The One Month Notice to End Tenancy for Cause dated June 6, 2019 is confirmed and is in full effect and force. The tenancy is terminated.

As the landlord has been successful in their application, they are 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. The tenancy is terminated.

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 12, 2019

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Residential Tenancy Branch