



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 690324 BC LTD. and [tenant  
name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "*Act*") for cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 47.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

### Preliminary Matter – Non-Appearance of Tenants at the Hearing

The applicant tenant did not appear at the hearing. Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing – If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party or dismiss the application with or without leave to reapply.

As the applicant tenant did not attend the hearing, and in the absence of any evidence or submissions, I order the tenant's application be dismissed without leave to re-file.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to section 55 of the *Act*?

### Background and Evidence

The landlord testified that the tenancy started on January 1, 2016.

The landlord testified that the tenant's rental unit was flooded on June 18, 2019 and July 10, 2019. The landlord testified that both of these floods occurred because the tenant did not make a secure connection between his portable dishwasher and the sink. The landlord stated that water from the flooding caused damage all the down two floors below the rental unit.

The landlord testified that the One Month Notice on July 9, 2019 and the notice was personally delivered to the tenant on July 10, 2019. The One Month Notice stated the following reasons for ending the tenancy:

- The tenant or a person permitted on the property by the tenant has
  - Significantly interfered with or unreasonably disturbed another occupant or the landlord; and,
  - Put the landlord's property at significant risk.
- Tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to damage the landlord's property.

The landlord also stated that the tenant was arrested twice for disturbing the building. In addition, the landlord testified that the tenant attempted to enter a neighbouring unit on July 13, 2019.

### Analysis

The tenant has made an application to cancel the landlord's One Month Notice and that application has been dismissed. Section 55 of the *Act* states that when a tenant's application to cancel a notice to end tenancy for cause is dismissed, I must grant the landlord an order of possession if the landlord has issued a notice to end tenancy in compliance with the *Act*. I find the form and content of the One Month Notice does comply with section 52 of the *Act*.

Furthermore, section 47(1)(d) of the *Act* permits a landlord to end a tenancy if a tenant has “put the landlord’s property at significant risk.” I find that the tenant’s use of his portable dishwasher did cause the rental unit to flood. Further, I find that such flooding creates a risk of structural damage to the building and could potentially lead to the development mold and mildew. As such, I find that the tenant’s conduct has put the landlord’s property at significant risk.

Accordingly, I find the landlord is entitled to an order of possession effective at **1:00 p.m. on September 30, 2019.**

### Conclusion

I find the landlord is entitled to an order of possession effective at **1:00 p.m. on September 30, 2019.** This order must be served on the tenant. If the tenant fails to comply with this order, the landlord may file the order with the Supreme Court of British Columbia and be 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: September 20, 2019

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Residential Tenancy Branch