



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 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 and notice of hearing in person on December 11, 2019 in accordance with Section 89 of the Act. This service was witnessed by an employee of the Landlord. I accept the Landlord’s evidence that the Tenant was served with all evidence in person on December 18, 2019. This service was witnessed by an employee of the Landlord. 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 April 1, 2018. Rent of \$375.00 is payable on the first day of each month. No security deposit was collected. On October 23, 2019 the Landlord served the Tenant in person with a one month notice to end tenancy for cause (the “Notice”). The Notice is on a form approved by the Residential Tenancy Branch (the “RTB”), is signed by the Landlord, is dated October 21, 2019 and sets out an effective move-out date of November 30, 2019. The reason stated on the

Notice is that the Tenant or a person permitted on the property has engaged in an illegal activity that has, or is likely to, adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant and has jeopardized a lawful right or interest of another occupant or the Landlord. The Notice sets out details for that reason with other tenant involvement, including a breach of a dangerous dog designation and the assault of a bylaw officer on the property. The Tenant did not dispute the Notice. The Tenant has not moved out of the unit. The Tenant paid rent for February 2020 with the Landlord issuing a receipt for “use and occupancy only”. The Landlord asks for an order of possession to be effective February 29, 2020.

Analysis

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 February 29, 2020.

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 RTB under Section 9.1(1) of the Act.

Dated: February 06, 2020

Residential Tenancy Branch