



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing was convened as a result of the tenants Application for Dispute Resolution, made on March 29, 2020. The tenants applied for an order cancelling a One Month Notice to End Tenancy for Cause pursuant to section 47 dated March 20, 2020 (the "One Month Notice"), pursuant to the *Residential Tenancy Act* (the "Act"). and the recovery of the filing fee pursuant to section 72.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten (10) minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenants did not attend the hearing by 11:10 A.M, and the landlord appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Issues to Decide

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave the following undisputed testimony. The landlord testified that the tenants have been significantly disturbing her throughout the tenancy with loud music, noise, arguing, numerous people and unwanted individuals on the property. The landlord testified that most of the disturbances occurred between 11:00 p.m. to 5:00 a.m. The landlord testified that the tenants have not changed their behaviour despite numerous verbal and written warnings. The landlord issued the One Month Notice to End Tenancy for Cause on March 20, 2020 for the following reason:

Landlord's notice: cause

47 (1) *A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:*

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that

(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

(iii) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

The landlord requests an order of possession.

Analysis

Based on the undisputed testimony and documentation of the landlord, I find that the tenants have significantly interfered with and unreasonably disturbed the landlord to the point where the tenancy must end. When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55(1) of the *Act* requires that I grant an order of possession to a landlord. I have examined the One Month Notice and find it complies with section 52 of the *Act*. Therefore, I grant the landlord an order of possession, which will be effective two (2) days after service on the tenant.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

The landlord is granted an order of possession.

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: April 27, 2020

Residential Tenancy Branch