



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Incorporated
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

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

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

The landlord testified that they served the tenant with the notice of hearing and evidence by posting on the rental unit door on April 22, 2020. Based on the evidence I find that the tenant is deemed served with the landlord's materials on April 25, 2020, three days after mailing, in accordance with sections 88, 89 and 90 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. The monthly rent for this periodic tenancy is \$375.00 payable on the first of each month. The rental unit is a suite in a multi-unit building with 58 individual units.

The landlord issued a 1 Month Notice to End Tenancy for Cause dated March 24, 2020. The reasons provided on the notice for the tenancy to end are:

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
- Adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The 1 Month Notice was posted on the rental unit door on March 24, 2020 and the landlord is unaware of the tenants filing an application to dispute the notice.

The landlord submits that the tenant has destroyed the internal security cameras in the rental building by attacking it with a hammer, has sabotaged the locks in the storage room attempting to gain entrance, and has engaged in physical altercations with other residents of the property. The landlord provided documentary evidence of these incidents through security video footage and logbook incident entries. The landlord submits that this is part of a pattern of behaviour that has been escalating since the tenancy began. The landlord testified that the behaviour has not abated since issuing the 1 Month Notice and the tenant has engaged in further violent interactions with other residents and the staff of the landlord.

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 is deemed served with the 1 Month Notice on March 27, 2020, three days after posting, in accordance with sections 88 and 90 of the *Act*. I find that the tenant has failed to file an application for dispute resolution within 10 days of March 27, 2020, the timeline 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 corrected effective date of the 1 Month Notice, April 30, 2020.

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.

I am satisfied with the evidence of the landlord that the tenant has engaged in illegal behaviour that has adversely affected the quiet enjoyment, security, safety or physical well-being of other occupants and the landlord. I find that engaging in violent altercations with others, vandalizing property and threatening people are inherently dangerous acts that are illegal in nature. I accept the documentary evidence of the landlord that this the tenant's conduct has been a long-standing issue. I find that the tenant's behaviour has given rise to a reason for this tenancy to end.

The 1 Month Notice is dated March 24, 2020 and was issued prior to the *Ministerial Order M089* issued March 30, 2020 pursuant to the State of Emergency declared on March 18, 2020. Therefore, in accordance with section 3(2) of the Ministerial order and pursuant to section 55 of the *Act*, I find that the landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone 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: June 4, 2020

Residential Tenancy Branch