



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

The landlord filed an Application for Dispute Resolution (the “Application”) on August 16, 2020 seeking an order of possession for the rental unit. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on October 1, 2020. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The landlord gave the tenant notice of this dispute resolution hearing in person. In the hearing the landlord stated they printed off the copies of the evidence they provided for this hearing and hand-delivered the pages to the tenant. From this account, I am satisfied the tenant had proper notice of this participatory hearing.

The tenant did not provide documentary evidence for this hearing and did not attend to give testimony.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause pursuant to sections 47 and 55 of the *Act*?

Background and Evidence

I have reviewed all evidence and written submissions before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this section.

The landlords submitted a copy of the residential tenancy agreement which the parties signed on January 23, 2020. The tenancy began on February 1, 2020. The current rent

amount is \$1,200.00 per month. The tenant paid a \$600.00 “damage deposit” at the start of the tenancy.

The landlords submitted as evidence a copy of the One Month Notice to End Tenancy for Cause (the “One Month Notice”) dated July 31, 2020. The reasons for the issuance of the document are: the tenant allowed an unreasonable number of occupants in the unit; and the tenant adversely affected the quiet enjoyment of another person or the landlord. The One Month Notice provides that the tenant had ten days from the date of service to apply for Dispute Resolution or the tenancy would end on the stated effective vacant date of September 1, 2020. The landlord served the document personally to the tenant on July 31, 2020.

After this, the tenant told the landlord they would move out on October 1, 2020. The landlord stated in the hearing that the tenant had already started the move-out procedure before that date.

The landlords gave testimony that covered details on the One-Month Notice. This involves an improper number of pets within the unit, a extra tenant living in the unit for an extended period of time, and repeat visits from the RCMP addressing issues started with the tenant.

Pictures submitted by the landlords show the state of the unit in question. They gave a description of their entry into the unit to inspect, and their discoveries of the bad condition of the unit therein.

The tenant did not attend the hearing. There is no documentary evidence of the tenant submitted to respond to the reasons for the issuance of the One Month Notice.

Analysis

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if, among other things, one or more of the following applies:

- c) there are an unreasonable number of occupants in a rental unit;
- 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;

Section 47(4) allows a tenant who receives a notice to end tenancy 10 days to submit an Application for Dispute Resolution to cancel the notice. Section 47(5) stipulates that

if a tenant fails to apply within 10 days, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and they must vacate the rental unit.

I have reviewed the Notice, and I find it complies with the form and content requirements of section 52 of the Act. I find that the tenants did not dispute the Notice within ten days, pursuant to section 47(4). I find that the tenant is conclusively presumed to have accepted that the tenancy has ended in accordance with section 47(5).

I find the landlord has the authority to issue the Notice under section 47 of the *Act*. I grant the landlord's request for an Order of Possession under section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **ONE DAY after service of this Order** on the tenant. Should the tenant 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: October 1, 2020

Residential Tenancy Branch