



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding B.C. HOUSIANAGEMENT
COMMISSION and [tenant name suppres to protect privacy]

DECISION

Dispute Codes OPC, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55.

The tenant did not attend this hearing. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The agent gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on November 26, 2020. The agent entered into written evidence copies of the tracking slips, including the Canada Post Tracking Number, showing that the tenant was served with the Notice of Hearing documents, the application and the documentary evidence on November 27, 2020. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to a One Month Notice to End Tenancy for Cause?

Background and Evidence

The tenancy began on or about September 1, 2004. Rent in the amount of \$236.00 is payable in advance on the first day of each month. The landlord issued a One Month Notice to End Tenancy for Cause on October 27, 2020 for the following reasons:

(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,

The agent testified that this has been an ongoing problem for three years. The agent testified that the tenant has had a dozen written warnings and numerous verbal warnings. The tenant makes noise all throughout the night by yelling, screaming, loud music, and constant flow of people coming and going. The landlord testified that this unit has essentially become a flop house. The agent testified that due to BC Housing mandate in trying to house people, it was a very difficult decision to pursue this matter. The agent testified that if the tenant had cooperated with the support worker, this hearing could have been avoided however the tenant has cut off all communication and refuses to change her behaviour.

Analysis

When a landlord issues a notice under section 47 of the Act, they must provide sufficient evidence to justify the issuance of that notice. The landlord has provided sufficient evidence to show that the tenant has “*significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property*”. Section 47(5) of the Act stipulates that tenants are conclusively presumed to have accepted that the tenancy end on the effective date of a notice unless the tenant disputes the notice within ten days of receiving it. The tenant has not filed an application to dispute the notice and has not submitted any disputing evidence or participated in this hearing.

Based on the documentation before me and in the absence of any disputing evidence, I find that the landlord is entitled to an order of possession. Page 3 of the notice is of a poor quality however the agent provided sworn testimony to confirm the form and content. The form and content of the Notice is in accordance with section 52 of the Act. The One Month Notice to End Tenancy for Cause dated October 27, 2020 is in full effect and force. The tenancy is terminated. The landlord is granted an order of possession pursuant to section 55 of the Act. The landlord is also entitled to a monetary order of \$100.00 for the recover of the filing fee for this application.

Conclusion

The landlord is granted an order of possession and a \$100.00 monetary order.

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: February 09, 2021

Residential Tenancy Branch