



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 CNR, OLC

Introduction

This hearing was convened in response to an application by the Tenant for an order cancelling a notice to end tenancy pursuant section 47 of the *Residential Tenancy Act* (the “Act”).

This matter was set for a conference call hearing at 9:30 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for ten minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing to the Tenant. As the Tenant did not attend the hearing to pursue its application, I dismiss its application without leave to reapply.

Preliminary Matter

It was noted that the Landlord’s evidence provided to the Residential Tenancy Branch (the “RTB”), including the tenancy agreement and with the exception of one document, was all in relation to a different tenant. The Landlord confirms that this evidence was provided in error to the RTB. The Landlord states that a different evidence package in relation to this dispute, that did not contain the evidence in relation to the different tenant, was served on the Tenant but not to the RTB. The Landlord states that it is willing to proceed on its testimony alone.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under started on October 1, 2020. Subsidized rent of \$375.00 is payable on the first day of each month. On December 8, 2020 the Tenant was served with a notice to end tenancy for cause dated December 7, 2020 (the "Notice") by posting the Notice on the unit door. The effective date of the Notice is set out as January 31, 2021. The reasons set out on the Notice is that the Tenant has allowed an unreasonable number of occupants in the unit/property and that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord. The Notice sets out details of numerous guests causing disturbances.

On July 21, 2020 the Tenant was cautioned about cutting and providing keys to guests and the Landlord had to change the locks to the building. Between that date and to current the Tenant has had dozens of guests coming and going and knocking on other tenant's units primarily during the night disturbing these other tenants who have made numerous verbal complaints. These guests also allow other persons into the property who make noise in the common areas and hallways and who have woken multiple tenants due to the noise. On November 8, 2020 one of the Tenant's guests was assaulted in the hallway, creating noise and waking up all the other tenants on that floor. The police were called for this incident. The Tenant's guests have also assaulted each other while on the property. A copy of the Notice was provided as evidence.

The Landlord seeks an order of possession effective March 31, 2021.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Given the copy of the Notice, I find that the Notice complies in form and content. Given the Landlord's undisputed evidence of the reasons for the Notice I find that the Notice is valid. The Landlord is therefore granted an order of possession as requested.

Conclusion

The Tenant's application is dismissed.

I grant an Order of Possession to the Landlord effective 1:00 p.m. on March 31, 2021. 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: March 19, 2021

Residential Tenancy Branch