



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROTARY TOWER & BAYSIDE SERVICES
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FFL

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

- an Order of Possession for Cause, pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant confirmed that he received the landlord's documentary evidence. The tenant did not submit any documentation for this hearing.

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?

Is the landlord entitled to the recovery of the filing fee for this application from the tenant?

Background and Evidence

The landlords gave the following testimony. KO testified that the tenancy began on or about May 15, 2006. Rent in the amount of \$481.00 is payable in advance on the first day of each month. The tenant did pay a security deposit. The landlord issued a One Month Notice to End Tenancy for Cause pursuant to section 47 of the *Act* on January 20, 2021 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,

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

(iii) put the landlord's property at significant risk;

(f) the tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to a rental unit or residential property;

KO testified that the state of the tenant's suite is the reason for issuing the notice. KO testified that the unit is cluttered, unsanitary, a fire risk, and unhygienic. KO testified that the tenant has so much clutter in his suite that there isn't an area of exposed flooring left. PL testified that the City of New Westminster has conducted six building inspections since October 2017 and each time the tenant's unit was not in compliance with health and safety requirements and was ordered to remedy the condition, but to no avail. CV testified that the tenant has denied access to pest control companies when the building was experiencing a cockroach infestation. CV testified that the tenant would state he wasn't ready to have his unit treated and denied her or the exterminators' entry into his unit.

KO testified that the pest control companies advised that until the tenants' unit was cleaned up and decluttered, they could not do an appropriate or thorough treatment of the unit. KO is requesting an order of possession.

The tenant gave the following testimony. The tenant testified that the unit only has boxes of documents that belonged to his late father. The tenant testified that he requires those documents as he oversees settling his father's estate. The tenant testified that the real problem is a personality conflict between him and CV. The tenant testified that she is the reason this hearing is taking place and that his unit is not as bad as they've stated. The tenant testified that he does what he can on any given day to try to clean up his unit and should be allowed to stay.

Analysis

When a landlord issues a notice under section 47 of the *Act*, they bear the responsibility of providing sufficient evidence to support the issuance of the notice. PL was present at all the City of New Westminster building inspections and despite written letters from the city, the tenant did not correct the condition of the unit to have it in accordance with health and safety standards. In addition, all three of the landlords representatives gave clear and concise testimony that supports their submission that the tenant has put the landlord's property at significant risk by having it in such disarray bordering on hoarding, and, not fully complying with required pest control inspections and treatments.

For those reasons, I find that the landlord has provided sufficient evidence to show that this tenancy must end. I hereby confirm the One Month Notice to End Tenancy for Cause dated January 20, 2021, the notice is of 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 granted the recovery of the \$100.00 filing fee pursuant to section 72 of the *Act*.

Conclusion

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

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: May 11, 2021

Residential Tenancy Branch