



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence in person on February 10, 2021 in accordance with Section 89 of the Act. The Landlords were given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy under written agreement started on June 15, 2019. Rent of \$625.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$312.50 as a security deposit. On December 31, 2020 the Landlord served the Tenant in person with a one-month notice to end tenancy for cause dated December 31, 2020 (the “Notice”). The Notice sets out several reasons, including significant inference or unreasonable disturbance of other occupants or the landlord. The Notice includes details of the reasons. The Landlord had received numerous calls from other tenant of noise from the Tenant’s unit and the police attended the unit at least 6 times

prior to the service of the Notice in relation to the noise and disturbance. The Landlord received a letter from the city dated December 8, 2020 that it may consider a fine of \$500.00 if the Landlord does not deal with the ongoing disturbances. Prior to this letter the Landlord had received a letter indicating that the fine being considered was \$250.00. The Tenant did not dispute the Notice and has not moved out of the unit. The Landlord intends to reimburse the Tenant with any rents paid for the period after the Tenant moves out of the unit. The Landlord seeks an order of possession as soon as possible. The Landlord provides, inter alia, a copy of the Notice and the letters from the city.

### Analysis

Section 55(2)(b) of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired. Based on the Landlord's undisputed evidence of the provision of the Notice to the Tenant and the undisputed evidence that the Tenant did not dispute the Notice or move out of the unit I find that the Landlord is entitled to an order of possession that is effective two day after its service on the Tenant.

### Conclusion

I grant the Landlord an **Order of Possession** effective two days after its service on the Tenant. 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 Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 03, 2021

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Residential Tenancy Branch