



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

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 sworn oral testimony that copies of the landlord's dispute resolution hearing package, application and evidence was personally served to the tenant in the presence of a witness on April 29, 2021. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package, application, and evidence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The tenancy began on or about June 30, 2018. Rent in the amount of \$375.00 is payable in advance on the first day of each month. The landlord issued a One Month Notice to End Tenancy for Cause on February 16, 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,

The agent testified that this has been an ongoing problem for three years. The agent testified that the tenant has had eight written warnings and numerous verbal warnings: six of those written warnings from January 2021 to April 2021. The agent testified that on February 5, 2021 the tenant threatened to kill another resident with many staff members witnessing the threats and requiring them to intervene. The agent testified that the tenant physically beaten three other residents in the building since January 2021. The police have attended and opened a file but due to the delicate and vulnerable nature of the residents of this building, they are all fearful to report or follow through with the police.

The agent testified that despite being given the notice, the tenants behaviour has gotten worse, and more threats and assaults have occurred in the past two weeks. 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*”. 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 video and documentary evidence before me, the sworn undisputed testimony of the agent and in the absence of any disputing evidence, I find that the landlord is entitled to an order of possession. 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 February 16, 2021 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: August 17, 2021

Residential Tenancy Branch