



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY  
(1974) and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### 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(2)(d);

The tenant did not attend this hearing. The landlord's agents attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. RS 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 June 25, 2021 and was signed for and accepted by the tenant on June 28, 2021. 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. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package, the hearing proceeded and completed on that basis.

### 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, 2014. Rent in the amount of \$375.00 is payable in advance on the first day of each month. RS personally served the tenant in

the presence of a witness a One Month Notice to End Tenancy for Cause on April 30, 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, and*

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

RS testified that the tenant's behaviour radically changed in the past year. RS testified that the tenant has become aggressive and threatening towards other tenants to the point that they fear for their safety. RS testified that the police have had to attend on several occasions as the tenant screams and yells at other tenants and bangs on walls at all hours of the night. RS testified that the tenant has become verbally and physically aggressive towards him. RS testified that despite numerous discussions and warnings the tenant's behaviour has gotten worse since serving the notice to end tenancy. SG testified that since issuing the notice to end tenancy, the tenant refuses to communicate. SG testified that the tenant won't even allow fire inspections to take place in his unit.

### 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's agents have provided sufficient evidence; including statements from neighbours, to show that the tenant "*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, 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. 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 April 30, 2021 is in full effect and force. The tenancy is terminated.

### Conclusion

The landlord is granted an order of possession.

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: October 05, 2021

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Residential Tenancy Branch