



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      LL: OPC  
                                 TT: CNC-MT

### **Introduction**

This hearing dealt with applications from both the landlord and tenants pursuant to the *Residential Tenancy Act* (the “Act”).

The landlord applied for an order of possession pursuant to section 55.

The tenants applied for:

- more time to make an application to cancel the landlord’s 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”) pursuant to section 66; and
- cancellation of the landlord’s 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”) pursuant to section 47.

The tenants did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agents, primarily agent WZ (the “landlord”), who were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord was made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and they testified that they were not making any recordings.

The landlord testified that the notice of application and evidence was served on the tenants in person by agent MB on August 13, 2021. Based on the undisputed evidence

I find that the tenants were each served with the landlord's materials on August 13, 2021, in accordance with sections 88 and 89 of the Act.

### Issue(s) to be Decided

Are the tenants entitled to any of the relief they are seeking?  
Is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlord provided undisputed evidence regarding the following facts. This periodic tenancy began on March 1, 2018. The monthly rent is \$585.00 payable on the first of each month. The rental unit is a suite in a multi-unit building with 150 units.

Over the course of the tenancy the tenants have repeatedly engaged in behaviour that has caused damage to the rental building by leaving the stove and oven unattended and overflowing their bathtub and sink. The tenants have caused smoke and water damage to their suite and the neighboring suites by causing fires and flooding. The landlord submitted into evidence copies of warning letters, incident reports, email correspondence and various invoices and receipts for damage repair.

There was an incident on June 7, 2021 where the tenants left a frying pan with burning oil unattended on the stove in their unit causing smoke alarms to be set off and the fire department to attend. The tenants were found unresponsive and unconscious in the rental unit. This was part of a pattern of ongoing behaviour causing damage to the rental building, the tenant's own lives and the lives and safety of others in the building.

The landlord issued a 1 Month Notice dated June 15, 2021. The reason provided on the notice for the tenancy to end is that the tenant has put the landlord's property at significant risk. The landlord testified that the 1 Month Notice was served personally on the tenants by agent MB. A signed and witnessed Proof of Service form was submitted into evidence.

### Analysis

The tenants did not attend the hearing which was scheduled by conference call at 9:30am. Rule 7.3 of the Rules of Procedure provides that:

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application with or without leave to re-apply.

Consequently I dismiss the tenants' entire application without leave to reapply.

Section 55 of the *Act* provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application, and I find that the landlord's 1 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the agent of the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

I am satisfied on a balance of probabilities that the tenants have engaged in conduct that has placed the rental property at significant risk. I find that repeated incidents of leaving the stove and oven unattended or leaving the plumbing on will cause significant damage to the rental property through fire and flooding. I am satisfied with the documentary evidence of the landlord that the incident of June 7, 2021 was not an aberration but part of a repeated pattern of negligent behaviour that was prevented from escalating into further damage to property and life through the vigilance and quick action of the landlord's agents.

I therefore find that the landlord is entitled to an Order of Possession pursuant to section 55. As the effective date of the notice has passed, I issue an Order of Possession effective two (2) days after service.

Conclusion

I dismiss the tenants' application in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **2 days after service on the tenants**. Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 1, 2021

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Residential Tenancy Branch