



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ruth & Naiomie's
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, CNC, FFT

Introduction

This hearing was reconvened in response to two applications by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling two notices to end tenancy - Section 46 and 47; and
2. An Order for recovery of the filing fee - Section 70.

The proceedings were scheduled for a conference call hearing at 9:30 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for thirteen minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing to the Tenant. As the Tenant did not attend the hearing to pursue their applications, I dismiss both applications. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions.

Preliminary Matters

The Landlord confirms that the Tenant was not served with any notice to end tenancy for unpaid rent and that the only notice that was served was a one month notice to end tenancy for cause dated December 2, 2021 (the ‘Notice’). The Landlord confirms that the Tenant has not moved out of the unit. The Landlord confirms that the second named Tenant, as set out in the style of cause on this decision, is not a tenant named on the tenancy agreement.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on November 16, 2020. Rent of \$580.78 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$286.10 as a security deposit. On December 2, 2021 the Landlord served the Tenant with the Notice. The Notice sets out that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord. The Notice sets out details for this reason.

The Tenant and the Tenant's friend have been falsely accusing the Landlord, the Landlord's staff and other tenants of criminal actions. They have been recording the false accusations and putting them on social media sites. The Landlord and the staff are extremely disturbed about these actions. The Landlord has one staff on leave because of the stress of the false accusations and concerns that this staff person may be also falsely accused with public posts made of false accusations. Since serving the Notice the Tenant and their friend's actions to make false allegations have continued and worsened. The Landlord seeks an order of possession for as soon as possible.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must

(a) be signed and dated by the landlord or tenant giving the notice,

- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Given the Landlord's undisputed evidence of the Tenant's actions, as the Tenant's applications have been dismissed and as the Notice complies in form and content, I find that the Landlord must be granted an order of possession as requested.

Conclusion

I grant an Order of Possession to the Landlord effective 2 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: March 28, 2022

Residential Tenancy Branch