



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, FFT

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47;
2. An Order for repairs - Section 32; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing to pursue the claims in their application. I therefore dismiss the Tenant’s application in its entirety. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord confirms that their evidence was provided to the Tenant. The Landlord confirms that no recording devices are being used by the Landlord for the hearing. The hearing concluded 18 minutes after the scheduled start time of 9:30 a.m.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on May 1, 2021 on a fixed term to end April 30, 2023. Rent of \$1,300.00 is payable on the first day of each month. The Landlord did not collect a security or pet deposit. The Landlord served the Tenant with a one month notice to end tenancy dated February 2, 2022 (the “Notice”). The Notice

sets out that the Tenant or a person permitted on the property by the Tenant has put the Landlord's property at significant risk and that the Tenant or a person permitted on the property by the Tenant has cause extraordinary damage. The Notice contains details for the reasons.

The Tenant put the Landlord's property at risk and caused extraordinary damage to the unit by attracting and allowing a rat to enter the unit to chew into a kitchen water line. As a result, a flood occurred on October 23, 2021. Although the Landlord knew the Tenant caused the flood to occur it was not until January 2022 that the Landlord learned that the Tenant did not remedy the causes of the rat entry. The Tenant left out cat food and clutter outside the unit and left the door beside the kitchen open both attracting and allowing a rat entry into the unit. The Landlord states that because of the water damage all the flooring in the kitchen was required to be removed. The Landlord has yet to replace the flooring. The Landlord states that the cost of the repairs amounts to \$5,000.00.

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 evidence of the Notice I find that the Notice complies in form and content.

Given the Landlord's undisputed evidence of the Tenant placing the property at risk and causing extraordinary damage to the unit I find that the Notice is valid for its reasons.

The Landlord is therefore entitled to an order of possession.

Conclusion

The Tenant's application is dismissed.

I grant an Order of Possession to the Landlord effective 1:00 p.m. on May 31, 2022.

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 24, 2022

Residential Tenancy Branch