



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on September 28, 2012, by registered mail. The landlord provided a tracking number. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early?

Background and Evidence

The tenancy started on October 01, 2011. The rental unit is located in the basement of the landlord's residence. The monthly rent is \$450.00 payable on the first of each month.

The landlord testified that the tenant was causing problems for the landlord and the other occupants of the house by threatening, harassing, making false accusations, creating noise disturbances and lighting fires in the back yard. The activities of the tenant also warranted attention from the police who visited the rental unit repeatedly.

On September 09, 2012, the landlord served the tenant a notice to end tenancy with an effective date of October 09, 2012.

The tenant did not dispute the notice and as of the day of the hearing still occupied the rental unit.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on September 09, 2012 and did make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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 12, 2012.

Residential Tenancy Branch