



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: CNC / OPC

### Introduction

In response to the tenant's application for cancellation of a 1 month notice to end tenancy for cause, this hearing was scheduled to commence by way of telephone conference call at 1:30 p.m. on February 27, 2013. The landlord / respondent was present at that time and gave affirmed testimony. However, as at 1:40 p.m. the tenant / applicant had still not appeared and the hearing was then concluded.

During the hearing the landlord orally requested an order of possession in the event the tenant's application did not succeed.

### Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on or about September 1, 2012. Monthly rent of \$450.00 is due and payable in advance on the first day of each month, and a security deposit of \$225.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated January 28, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is February 28, 2013, and reasons shown on the notice for its issuance are as follows:

Tenant has allowed an unreasonable number of occupants in the unit.

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

The tenant filed an application to dispute the notice on February 4, 2013.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 1 month notice to end tenancy for cause dated January 28, 2013. While the tenant filed an application to dispute the notice on February 4, 2013, which is within the 10 day period available for doing so after receiving the notice on January 28, 2013, he did not attend the hearing scheduled in response to his application.

Section of the Act addresses **Order of possession for the landlord**, and provides in part as follows:

55(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

Following from all of the above, the tenant's application is hereby dismissed, and I grant an **order of possession** in favour of the landlord.

### Conclusion

The tenant's application is hereby dismissed.

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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 *Residential Tenancy Act*.

Dated: February 27, 2013

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Residential Tenancy Branch

