



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, ET, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession to end the tenancy for cause.

The hearing was conducted via teleconference and was attended by the landlord's agent and the male tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy for cause; to a monetary order to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 55, 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties agree the tenancy began in August 2012 as a month to month tenancy with a monthly rent of \$715.00 due on the 1st of each month with a security deposit of \$357.50.

The landlord testified the tenants were served with a 1 Month Notice to End Tenancy for Cause on May 31, 2013 with an effective date of June 30, 2013 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; put the landlord's property at significant risk; the tenant has engaged in illegal activity that has or is likely to damage the landlord's property; adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord; the tenant has caused extraordinary damage to the unit/site or property/park; the tenant has not done required repairs of damage to the unit/site.

The tenant testified that he had received this notice and that he believes he received it nailed to his door on May 31, 2013 but he was not certain of the date. The tenant also confirmed that he had not filed an Application for Dispute Resolution seeking to cancel the Notice.

Analysis

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - ii. Put the landlord's property at significant risk;
- b) The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
 - i. Has caused or is likely to cause damage to the landlord's property,
 - ii. Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
- c) The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the rental unit or residential property;
- d) The tenant does not repair damage to the rental unit or other residential property, as required under section 32(3), within a reasonable time;

Section 47(4) goes on to say that within 10 days of receiving such a notice the tenant may make an application for dispute resolution seeking to cancel the notice.

And Section 47(5) states that if a tenant who receives a notice under Section 47 does not file an application for dispute resolution within 10 days the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

As the tenants did not file an Application for Dispute Resolution seeking to cancel the 1 Month Notice to End Tenancy for Cause within 10 days I find the tenants are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: July 03, 2013

Residential Tenancy Branch

