



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0704575 B.C. Ltd
and [tenant name suppressed to protect privacy]

DECISION

Codes: OPC, FF

Introduction:

This was an application by the landlord for an Order for Possession pursuant to a Notice to End the Tenancy for Cause dated October 30, 2013 with an effective date of November 30, 2013. Only the landlord's agent W.T. attended the hearing.

Issues:

Is the landlord entitled to an Order for Possession?

Background and Evidence:

Based upon the testimony of W.T. I find that the Notice to End a Residential Tenancy was served on the tenant on October 30, 2013 by handing it to him on that date. I find that the Application for Arbitration/Notice of Hearing was personally served on the tenant on December 2, 2013 by handing it to him. The landlord testified that the tenancy began on July 1, 2013 with rent in the amount of \$ 550.00. The tenant paid a security deposit amounting to \$ 275.00 at the commencement of the tenancy. The landlord testified that the tenant had been creating a disturbance by permitting street people and prostitutes to have access to his unit.

Analysis

The Notice to End a Residential Tenancy relies on sections 47(1)(d)(i) Residential Tenancy Act. That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(e) 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,

After carefully considering all of the evidence I determined that the tenant has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice pursuant to 47(5)(a). Based on the above facts I find that the landlord is entitled to an order for possession.

Conclusion:

I granted the landlord an Order for Possession effective two days after service upon the tenant. The tenant must be served with this decision and Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I grant the landlord recovery of the \$50.00 filing fee in this matter. I direct that the landlord retain that amount from the security deposit and I Order the landlord to return the remaining amount of \$ 225.00 to 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*.

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Dated: January 06, 2014

Residential Tenancy Branch

