



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WIDSTEN PROPERTY MANAGEMENT  
INC. and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **OPC, MNDCL, FFL**

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee from the tenant pursuant to section 72

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

As both parties were present service was confirmed. The tenant testified that they received the landlord's application and evidence and had not submitted materials of their own. Based on the testimonies I find the tenant duly served with the landlord's materials.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a monetary award as claimed?

Is the landlord entitled to recover the filing fee from the tenant?

### **Background and Evidence**

The monthly rent for this tenancy is \$700.00 payable on the first of each month. A security deposit of \$350.00 was collected at the start of the tenancy and is still held by the landlord. The tenant confirmed that they have not paid rent for the month of

October, 2020 as required under the tenancy agreement and that there is a rental arrear of \$700.00 as at the date of the hearing.

The landlord issued a 1 Month Notice to End Tenancy for Cause dated July 27, 2020. The reason provided on the notice is that the tenant or persons permitted on the property by the tenant has significantly interfered with or unreasonably disturbed other occupants or the landlord. The tenant confirmed receipt of the 1 Month Notice.

There was a previous hearing under the file number on the first page of this decision wherein the tenant applied to dispute the landlord's 1 Month Notice to End Tenancy for Cause dated July 27, 2020. The tenant's application was dismissed by a decision dated September 11, 2020.

### Analysis

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has filed an application to dispute the notice but that application was dismissed in the decision of September 11, 2020 as the tenant failed to attend their hearing.

I find that the landlord's 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. I am satisfied with the landlord's evidence by way of testimony and documentary materials including a warning letter issued to the tenant detailing their unreasonable behaviour. I accept the landlord's evidence that the tenant or persons permitted on the property by the tenant have engaged in behaviour that has unreasonably disturbed and significantly interfered with other occupants and the landlord. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date of the 1 Month Notice has passed, I issue a 2 day Order of Possession.

I accept the undisputed evidence of the parties that the tenant has failed to pay monthly rent in the amount of \$700.00 as required under the tenancy agreement. Accordingly, pursuant to section 67 of the *Act*, I issue a monetary award in the landlord's favour in that amount.

As the landlord's application was successful they are entitled to recover the filing fee for this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain the tenant's security deposit in partial satisfaction of the monetary award issued in the landlord's favour

### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$450.00, allowing the landlord to recover the unpaid rent and filing fee and retain the deposit for this tenancy. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: October 8, 2020

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Residential Tenancy Branch