



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp
and [tenant name suppressed to protect privacy]

DECISION

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order allowing more time to dispute a notice to end tenancy - Section 66;
2. An Order cancelling a one month notice to end the tenancy - Section 47; and
3. An Order for the recovery of the filing fee - Section 72.

The conference call hearing was set for 9:30 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for the duration of the hearing that lasted 24 minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing to the Tenants. As the Tenants did not attend the hearing to pursue their application, I dismiss their application without leave to reapply. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started on October 4, 2004. Rent of \$820.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$225.00 as a security deposit and \$200.00 as a pet deposit. The Tenants' unit has had ongoing problems

over some years with a cockroach infestation. The Tenants have failed to maintain reasonable cleanliness of the unit resulting in the return of the cockroaches after prior and full eradication of the infestation. The Tenants are also failing to prepare the unit for pest treatment and have not vacated the unit for spaying resulting in an inability to fully treat the unit. The latest infestation in the Tenants' unit has been created by the Tenants and has become the source of an infestation for the whole building. On November 30, 2022 the Landlord gave the Tenants a one month notice to end tenancy for cause dated November 30, 2022 (the "Notice") by posting the Notice on the door of the unit.

The reason stated on the Notice is that the Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord and has put the landlord's property at significant risk. The Notice sets out details in relation to pests and pest control.

The Landlord seeks an order of possession to be effective on May 31, 2023.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that In order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) *[tenant's notice]*, state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

As the Tenants' application has been dismissed and as the Notice complies in form and content, I find that the Landlord is entitled to an order of possession as requested.

Conclusion

The Tenants' application is dismissed.

I grant an Order of Possession to the Landlord effective 1:00 p.m. on May 31, 2023.

The Tenant must be served with this **Order of Possession**. 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 Act.

Dated: April 27, 2023

Residential Tenancy Branch