



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPC, FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for cause served in person on August 26, 2008.

Issue(s) to be Decided

This application requires a decision on whether to set aside or uphold the Notice to End Tenancy.

Background and Evidence

This tenancy began April 1, 2006 and at its end it was under a fixed term agreement to end on March 31, 2009. Rent was \$1,400 per month and the landlord holds a security deposit of \$700 paid April 1, 2006.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served as a result of a number issues, including;

1. That the tenant had changed the entry key lock without authorization and had not provided the landlord with a key, a matter that became of concern when it became necessary to admit a service person to the rental unit to check for a gas leak;

2. That, after the landlord had left some leaves in a child's wagon finding no other place to put them, the tenant had called and demanded that "he get his ass over there..." and remove the leaves;
3. That on that and a later occasion, the tenant had threatened the landlord;
4. That, when advised by the Residential Tenancy Branch that he should negotiate with the landlord if he wanted to stay longer, the tenant was intransigent in his position respecting the relocation of materials in the yard, that he would do no yard work, and that he had drained the hot tub (tenant maintenance of which was part of the rental agreement and which required chemical balancing) and requested a rent reduction.

Analysis and Conclusion

I find, on the balance of probabilities, that the accumulation of these incidents warranted the Notice to End Tenancy. Therefore, I must decline to set it aside.

As the tenants' application has not succeeded, they remain responsible for the filing fee for this proceeding.

September 16, 2008
