

DECISION

Dispute Codes: CNC

This hearing dealt with an application by the tenant for an order setting aside a notice to end tenancy having an effective date of October 31, 2008.

The tenancy began on March 15, 2006 and runs from month to month with rent of \$325.00 due in advance on the first day of each month.

The evidence from the landlord and the witnesses called by the landlord was that the tenant repeatedly disturbed other occupants and staff by loud yelling, screaming, ranting, cursing and threatening them. At times, the tenant threatened others by poking his cane at them. On one occasion, he hit a staff member on the chest with his cane and broke his cane. On another occasion, he hit another staff member on the cheek with his fist. On both of these occasions, the police was called to attend to the incidents. The tenant was also described as having a drinking problem and on many occasions, he passed out from drunkenness in the lobby of the building.

The tenant did not dispute the fact that he hit a staff member on the cheek with his fist. The evidence from the tenant and the witnesses called by him was that the tenant has enjoyed a good relationship with the staff and the cursing and poking was just a sort of jovial bantering. The tenant suggested that the landlord was attempting to manufacture reasons to evict him because of his complaints about bed bugs.

The preponderance of the evidence led me to the conclusion that the landlord had established grounds to end this tenancy. The evidence of the landlord's witnesses indicated that they did not perceive the tenant's behaviour as jovial bantering. Also, there would be no advantage to the landlord to manufacture grounds to end the tenancy to try to avoid a claim by the tenant.

For the reasons given above, I dismissed the tenant's application.