



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: CNC

Introduction:

This hearing was convened upon the application of the tenant seeking to cancel a notice to end tenancy for cause.

The landlord agreed that she was properly served within correct time frame with the tenant's Application for Dispute Resolution.

The landlord and the tenant's agent appeared at the hearing and gave evidence under oath.

Issue

Does the landlord have cause to end this tenancy?

Background

This tenancy began on August 4, 1004. The landlord says that the rental property consists of a motel at the front of the property and a mobile home park at the back of the property. The tenant pays "pad" rent of \$356.00 to live in his camper on the property.

The landlord testified that there have been a number of problems which are affecting other tenants on the rental property. The landlord says she has had numerous complaints from other residents and has observed the behaviours herself. The landlord says she has repeatedly asked the tenant to stop certain conduct but he continues and is conduct is intolerable. In particular the landlord says:

- The tenant walks around the motel and mobile home property with open liquor;



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- The tenant knocks on motel and mobile home doors apparently seeking someone to drink with or seeking to borrow things;
- The tenant propositioned a female motel resident such that she felt unsafe and decided to vacate the motel;
- Rather than walking through the property past the front doors of the motel the tenant walks behind the motel where the washroom and kitchen windows are and this unnerves female residents;
- He has about 100 empty bottles of wine and other liquor outside his camper which he does not clean up despite the landlord's requests;
- He apparently has no washroom in his camper because he urinates outside and this disturbs the other residents many of whom are elderly females;
- He uses motel equipment (such as the wheelbarrow) without permission;
- His camper is plugged into the motel as a source of electricity, he is supposed to pay the hydro costs and will not do so;
- He has an uninsured vehicle on the property;
- When asked to clean up or stop his behaviour he told the manager "I can do whatever the fuck I want to";
- He has paid his rent by throwing it on the ground at the landlord and demanding she deliver a receipt to his camper;
- In one situation the police attended because of the tenant's behaviour.

_____ says he is appearing on behalf of the tenant because the tenant thought today's hearing was at 10:30 rather than 12:30 and the tenant is unable to attend the hearing at 12:30 and asked _____ if he would attend for him. _____ says that the tenant is either at home or at the coffee shop but he is "not here". _____ says that the tenant was also concerned because his English is poor. _____ says he helps the tenant with his income tax and other government business so he agreed to assist with this matter.



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_____ says the tenant is not a rude man. He says the only reason the tenant has walked around with open liquor is because he has seen the manager doing the same thing. _____ said that the tenant did not mention anything to him about propositioning a female or walking behind the motel disturbing other residents.

_____ says the tenant has cleaned up around the rental property but the manager refused to pay him. _____ says he has no knowledge whether there are bottles around the tenant's camper or whether the tenant has a washroom in his camper.

_____ says the entire mobile home park and motel is closing January 1, 2009 and the tenant is attempting to find a new place to live and just wants an extension of time to be able to do so.

Analysis

A landlord may serve a notice to end tenancy for cause where the landlord believes a tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and has adversely affected the quiet enjoyment, security, safety and well-being of another occupant or the landlord.

The tenant did not appear at the hearing sending his agent on his behalf with little personal knowledge of the complaints being made. The evidence of the agent is limited and in some respects the agent had no knowledge of all with respect to the allegations.

In this I find that I prefer the evidence of the landlord as set out above and I therefore find that the landlord does have grounds to end this tenancy.

Conclusion

The tenant's application to cancel the Notice to End Tenancy for Cause is dismissed with the effect that this tenancy will end on the date set out on that notice, that is November 5, 2008.



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