

DECISION

Dispute Codes: CNC, FF

This hearing dealt with an application by the tenant to cancel the notice to end tenancy for cause.

The tenancy began on November 1, 2008. On December 29, 2008, the tenant was served with a notice to end tenancy for cause with an effective date of January 31, 2009.

The landlord said that the notice to end tenancy was issued to the tenant based on the following incident that took place on December 28, 2008. Around 9 pm that evening, the tenants in unit #101 (next to the tenant's unit) telephoned the landlord to inform her that there had been ongoing fighting inside the tenant's unit for a few hours and that the fighting was escalating. When the landlord attended the tenant's unit, she found two of the tenant's male guests fighting in the hallway. One injured male guest eventually left the building leaving blood stains on both the carpet and the walls. The landlord knocked on the tenant's unit to talk to the tenant but the tenant refused to come to the door. Meanwhile, one of the tenant's male guests was beating up a female guest outside of the apartment building. The female guest tried to enter the building but the landlord was afraid to open the door because of the violence. The landlord called 911. The police and paramedics responded. The tenant and a friend were then taken into police custody for a few hours for questioning. While the tenant was gone, one of the tenant's friends tried to break into the tenant's unit. Later, at 2 am, the police called the landlord to let the tenant back into her unit. At that time, the landlord found the tenant's door jam to be split and door lock to be broken. The next day, the tenant told the landlord that on the previous evening, a friend pulled a knife on her inside the unit because she had flushed her friend's drug down the toilet. In self defense, the tenant choked her friend. The landlord added that in fact, there

was simultaneous fighting both inside and outside of the tenant's unit on December 28. The landlord also said that she and the other tenants in the building have felt threatened by the violence and the fighting by the tenant and her guests. Furthermore, the landlord is also concerned with the safety of her building as the December 28 incident has already caused some damages to the building.

The tenant's representative was the tenant's grandfather. He did not dispute that the December 28 incident as described by the landlord took place. He tried to explain what had started the fighting. As well, he said that the tenant had apologized to her neighbours for the disturbance; vowed to be more diligent as to who she would invite into her home; and wanted to assure the landlord such disturbances will not happen again.

Based on the above, I find that the tenant and people permitted on the property by the tenant have: 1) significantly interfered with and unreasonably disturbed another occupant and the landlord; 2) seriously jeopardized the safety of another occupant and the landlord; and 3) put the landlord's property at significant risk. For these reasons, I find that landlord has established grounds to end this tenancy.

Accordingly, I dismiss the tenant's application to cancel the notice to end tenancy.

During the hearing, the landlord requested an order of possession. I find that she is entitled to an order of possession. The tenant must be served with the 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.

Dated January 28, 2009.

