



Dispute Resolution Services

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

Decision

Dispute Codes: CNC, OPC

Introduction

This hearing dealt with an application from the tenants for cancellation of the landlord's 1 month notice to end tenancy for cause. In addition to the tenants, the landlord's agent and two witnesses for the landlord attended the conference call hearing and gave affirmed testimony. During the hearing the landlord made a verbal request for an order of possession in the event the application from the tenants fails.

Issues to be Decided

- Whether the tenants are entitled to cancellation of the notice to end tenancy
- Whether the landlord is entitled to an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of tenancy is from July 1, 2008 to June 30, 2009. Rent of \$795.00 is due and payable on the first day of the month and a security deposit of \$397.50 was collected on June 13, 2008.

The landlord served the tenants with a 1 month notice to end tenancy for cause dated January 27, 2009. The tenants filed an application for dispute resolution to dispute the notice within 10 days after receiving it.

Reasons identified on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- put the landlord's property at significant risk

Tenant has engaged in illegal activity that has, or is likely to:

- damage the landlord's property
- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The landlord's agent and both witnesses testified to having had first hand experience with loud and abusive verbal interactions between the tenants themselves since the tenancy began, as well as physical altercations directly between the tenants. On numerous occasions the police have been called to attend the rental site as a result of the concerns of others.

While the tenants acknowledge that some of their behaviour has been problematic for other residents, they dispute some of the details and the frequency of the incidents described by the landlord's agent and witnesses.

Analysis

Section 47 of the *Act* addresses **Landlord's notice: cause**. Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 1 month notice to end tenancy for cause. The date shown on the notice by when the tenants must vacate the unit is February 28, 2009. The tenants dispute the notice and gave testimony in that regard during the hearing.

Having carefully considered the testimony of the landlord's agent and two witnesses, in addition to the testimony of both tenants, I find on a balance of probabilities that the landlord has established cause for issuing the notice to end tenancy. Specifically, I am persuaded that the conduct and behaviour of the tenants "significantly interfered with or

unreasonably disturbed” other occupants over an extended period of time during the tenancy. Accordingly, I find that the landlord is entitled to an order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective no later than **1:00p.m., February 28, 2009**. Should the tenants 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.

DATE: February 19, 2009

Dispute Resolution Officer