

DECISION

Dispute Codes: CNC, O

This hearing dealt with application by the tenants to cancel the notice to end tenancy.

The tenancy started approximately 6 years ago. A monthly rent in the amount of \$484.00 is payable in advance on the first day of each month. On March 28, 2009, the tenants were served with a notice to end tenancy for cause.

The landlord gave the following evidence with respect to their reasons for seeking to end the tenancy. On March 14, 2009, the tenants had a birthday party for their daughter that started in the day and lasted till late at night. By 11:30 p.m., the female caretaker, CW, received a complaint from another tenant in the building regarding the loud noises and music coming from the tenants' unit. CW went to investigate. She was confronted by the male tenant, DL, and his friends in the hallway. DL was intoxicated. He screamed at CW and grabbed at her arm and throat. Another tenant in the building tried to diffuse the situation and he was also pushed and screamed at by DL and his friends. Later, the male caretaker, GT, arrived at the scene. DL screamed, yelled and spat at GT. DL also threatened to kill GT. Eventually, the police arrived. DL was then arrested and detained overnight at the police station.

The landlord's assertions are supported by letters from two witnesses who live in the building. One witness confirmed that DL had threatened GT. Another witness confirmed that DL was yelling and violent towards CW as well as himself.

DL said that during the March 14 incident, he was trying to speak to CW as to why he was not allowed to continue their birthday party. He admitted to being intoxicated at the time but maintained he knew what he was doing. He denied

having fought with anyone on that day and added that he has never fought in his life.

I find that landlord's testimony to be straightforward and consistent. Furthermore, it is supported by statements from two other witnesses. I have therefore accepted such evidence as credible and trustworthy.

The preponderance of the evidence has led me to conclude that the landlord has established grounds to end the tenancy. I therefore dismiss the tenants' application to cancel the notice to end tenancy.

The landlord requested an order of possession. Based on the above facts, I find that the landlord is entitled to an order of possession. The tenants must be served with the order of possession. 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.