

DECISION AND REASONS

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. Both parties attended the hearing and had opportunity to be heard. At the hearing the landlord made an oral request for an order of possession in the event that the tenant's application was not successful.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on April 10, 2005. The rent is \$819.00 due on the first of the month. The rental unit is located in a complex that consists of 12 buildings and 64 suites. On September 28, 2009, the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice is that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord stated that she has received complaints from other occupants of the complex regarding verbal harassment from the tenant. The landlord reviewed the tenant's history and found a pattern of verbal harassment and reporting other occupants to the authorities.

The tenant was given a written warning in April of 2008. The warning letter states that three letters of complaint were received which describe abusive verbal attacks by the tenant on the complainants. The letter also states that the tenant lodged complaints regarding other occupants of the complex, to the local City authorities and to the local Police. These complaints were investigated and found to be unfounded. The tenant was put on notice that any further complaints regarding this type of behaviour and verbal abuse towards the other occupants will be met with a notice to end tenancy.

Despite the warning letter, the property manager continued to receive letters of complaint against the tenant. The letters describe the foul language used by the tenant towards other occupants, noise disturbances from screaming battles between the tenant and her daughter, false complaints made by the tenant to the property manager and

local authorities, “peeking” through the bedroom window to watch other occupants and making rude gestures to other occupants in passing.

The landlord has filed a total of eight letters of complaint from the other occupants of the complex including one anonymous letter. Two of these letters date back to April of 2008.

The letters describe various unpleasant interactions with the tenant. One letter describes a noise complaint made by the tenant against the complainant at a time when she was out of town. Another letter states that the writer is ready to move out of the complex due to the problems that the tenant was causing her and her family and another complainant states that she is contemplating getting a restraining order against the tenant to protect herself and her family.

The tenant wrote numerous lengthy emails to the Property manager with accusations against other occupants. The landlord filed these email messages. These emails contain foul language and accuse other tenants of “*excessive noise, ministry involvement, arguments, drug and alcohol usage, drug sales and verbal assaults*”. A note dated November 01, 2009 states that “*107 was luring 105 cats into 107 to have sex with them*”

The landlord stated that she has not had reason to take action on the tenant’s emails about the behaviour and activities of fellow tenants as there is no proof that any of them are engaging in the activities that the tenant is accusing them of. She also stated that some of the tenant’s assertions about the behaviour of the other occupants are very personal and it is unreasonable for her to be making these types of accusations.

The tenant filed five letters of support from the other occupants of the complex. These letters are form letters that state the following:

“To whom it may concern:

I, ----- am writing this letter to state that – (tenant HP) and her children have never disrupted me as a tenant of #------. I have not complained to management with respect to HP being disruptive at any time”

The tenant has also filed a lengthy letter written by another occupant of the complex, in support of the tenant and a letter, also written by another occupant complaining about

the resident manager. The tenant stated that the resident manager was verbally abusive to her and her children and does not take the tenant's complaints seriously. The tenant stated that whenever she reported a problem about questionable activities inside the complex, the manager would respond by saying "*Leave it alone*".

The tenant also filed copies of emails that she sent to the landlord with various complaints against the manager and the other occupants of the complex. Some of the complaints against the other occupants of the various units are as follows:

207 - Verbal threats of violence towards tenant and smoking pot

105 - Smoking illegal substances, fighting and not picking up after their dog. They have issues regarding the custody of their child and defrauding compensation.

118 - Child "bouncing" on tree and causing it to break

112 - Has five cats and the unit smells of smoke. Carpets are dirty and screens are torn. 112 pays rent late. One cat is badly matted and gave the tenant's cat, fleas. Occupant of this unit gave the tenant's 15 year old daughter, cigarettes.

110 - Noise disturbances from parties. Gave the tenant's 15 year old daughter cigarettes

211 - Spousal abuse and a grow op

209 - Child apprehended by the Ministry

203 - The mother has kicked her 13 year old daughter out

110 - Drank alcohol and smoked pot with the tenant's 15 year old daughter

Analysis

In order to support the notice to end tenancy, the landlord must prove that the tenant significantly interfered with or unreasonably disturbed another tenant or the landlord.

Based on the verbal and documentary evidence of parties, I find that the tenant significantly interfered with and disturbed other occupants of the complex. The landlord served the tenant with a warning letter but the tenant continued to behave in a manner that the other occupants complained about. In addition, the email messages that the

tenant sent to the landlord are inflammatory to other tenants and contain extremely foul language.

Therefore, I find that the landlord has cause to end the tenancy and I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. 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.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective on or before 1:00 p.m. on November 30, 2009

Dated November 13, 2009.

Dispute Resolution Officer