

DECISION

Dispute Codes: CNC

Introduction

This application was brought by the tenant seeking to have set aside a one-month Notice to End Tenancy for cause served on February 11, 2010.

Issues to be Decided

This application requires a decision on whether the Notice to End Tenancy should be set aside or upheld.

Background and Evidence

This tenancy began on April 6, 1998. Rent is \$404 per month due on the first day of the month and there is no security deposit.

The landlord's primary evidence in this matter was a series of recent photographs of the rental unit show signs of severe hoarding including miscellaneous articles, refuse and foodstuffs piled high on the floors and furnishings of the rental unit.

The tenant's advocate, her mental health worker, stated she had not seen the photographs and that the tenant had not permitted her to enter the rental unit. I accept the landlord's evidence that the tenant was served with the photographs and documents, and during the hearing, the worker arranged with the landlord to view them.

The landlord also submitted a copy of a letter from the building manger to the tenant dated March 26, 2010 reviewing an attempted inspection of the rental unit on December 15, 2009. The letter recounted that notice had been provided two weeks in advance of a test of smoke detectors. The tenant had ordered the building manager and the female testing technician out of the unit, pushed the building manager against the wall and threatened the pair with a vacuum cleaning attachment.

The landlord also gave evidence that the tenant had refused to admit service personnel to treat for a bed bug infestation.

The landlord further submitted a letter to the tenant dated January 18, 2007 warning of the need for cleaning and removal of boxes from the rental unit. He said that the landlord had obtained an Order of Possession at the time, but did not enforce it on evidence of some improvement.

The tenant submitted into evidence a letter from a physician who has been treating her since November of 2008 with presenting symptoms of chemical and air-borne agent sensitivities which make it difficult for her to comply with the inspection requirements of the residence.

Analysis

Section 47(1)(d)(ii) of the *Act* permits a landlord to issue a one-month Notice to End Tenancy in circumstances in which the tenant's conduct seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

I find that by hoarding to an unsanitary degree, by refusing to permit inspections, and by declining the assistance of others, the tenant has seriously jeopardized the health, safety and lawful rights of other tenants and the landlord.

Accordingly, I find that the Notice to End Tenancy of February 11, 2010 is lawful and valid and I must decline the tenant's request to set it aside.

On hearing that determination, the landlord requested and I find he is entitled to an Order of Possession effective two days from service of it on the tenant. The landlord made promise to cooperate with the tenant's worker toward the smoothest and safest transition possible under the circumstances.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effect two days from service of it on the tenant.

April 6, 2010