



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, in which he seeks to have an order to cancel a Notice to End Tenancy issued to him by the Landlord for cause.

The Tenant did not appear at the hearing, as it appears he is in custody for psychiatric treatment, according to his written submissions. He did not have an advocate or someone else appear on his behalf at the hearing, although it appears from his written submissions he could have had someone assist him or appear at the hearing on his behalf.

The Landlord had three Agents appear to respond to the Tenant's Application for Dispute Resolution.

An Agent for the Landlord was affirmed and gave testimony, and the Landlord provided documentary evidence.

### Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The Agent for the Landlord explained that the Tenant was served with a one month Notice to End Tenancy for cause, and the reasons set out in the Notice were that he had significantly interfered with or unreasonably disturbed another occupant, had seriously jeopardized the health or safety of another occupant and had engaged in an illegal activity which had adversely affected the quiet enjoyment, security, safety or well being of another occupant.

The Agent for the Landlord testified that the Tenant had attacked two other occupants at the residential property, causing serious injuries to them both. One occupant had to be taken to the hospital by ambulance with serious injuries. The second occupant had his nose broken. The Agent further testified that the Tenant had damaged the Landlord's property during this incident.

In evidence the Tenant provided written submissions, apologizing to the Landlord and the other occupants. He explained he had suffered a mental breakdown. He wants to be allowed to continue living at the rental unit and requests the Notice to End Tenancy be cancelled.

### Analysis

Based on the foregoing, the uncontradicted evidence, the testimony, the written submissions, and on a balance of probabilities, I dismiss the Application for Dispute Resolution of the Tenant.

I find that the Notice to End Tenancy should not be cancelled, as it is valid and was supported with the evidence.

I find the Tenant significantly interfered with or unreasonably disturbed other occupants at the property, has seriously jeopardized the health or safety of other occupants and engaged in an illegal activity which has adversely affected the quiet enjoyment, security, safety or well being of other occupants. While the Tenant may be remorseful, I find that the safety and well being of the other occupants, and the Landlord's legal rights, will best be served by enforcing the Notice to End Tenancy and preventing the Tenant from returning to live at the property.

Following my dismissal of the Tenant's Application for Dispute Resolution, the Landlord orally requested an order of possession. Pursuant to section 55 of the Act, I must grant that request.

I grant the Landlord an order of possession effective at **1:00 p.m. March 31, 2010**. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 31, 2010.

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Dispute Resolution Officer