

## **DECISION**

Dispute Codes      CNC

### Introduction

Having heard the evidence of the parties, under affirmation, and having given the parties the opportunity to give their evidence orally and to provide written and documentary evidence, and to cross-examine the other party, and to make submissions to me, I have determined:

### Issues(s) to be Decided

This is request to have a Section 47 Notice t End Tenancy for cause, cancelled.

### Background and Evidence

The landlord testified that;

- The tenant and her invited guest are frequently drunk or on drugs and are very disruptive.
- The other tenants have been unreasonably disturbed by fights and screaming from the tenants and the invited guest.
- The tenant's male guest has been throwing condoms out the window onto the balcony below where they have been found by the elderly tenant.
- The tenant caused a fire when she was drunk and she forgot she had a pot on the stove.
- She has had to remove the tenant's drunken male guest from the hallways where he is loud and abusive and even urinates, and when asked to leave he refuses, claiming he is paying rent to the tenant.

The landlord therefore wants the tenant's application dismissed and an Order of Possession issued for as soon as possible.

The advocate for the tenant started that she believes that the notice should be cancelled because the landlord has supplied no evidence in the file to support her claims; however the tenant herself stated;

- She is often drunk but does not do drugs.
- Her co-tenant did have a fight with another tenant but it was not just their fault the other tenant was at fault too.
- Her invited male guest has apologized for throwing condoms out the window.
- Her invited male guest has been loud and drunk; however she has asked him not to come by anymore, because he is a handful.

### Analysis

Based on the testimony provided by both the landlord and the tenant it is my finding that the tenants and the invited guest have been unreasonably disturbing the other occupants of the rental property. The tenant herself admitted to most of the allegations made by the landlord and therefore I am not willing to allow this tenancy to continue.

### Conclusion

This application is dismissed without leave to re-apply and I have issued an Order of Possession to the landlord for 1:00 PM on June 30, 2010.

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: June 22, 2010.

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Dispute Resolution Officer