



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF, O

Introduction

This hearing dealt with the Tenant's application to cancel a *One Month Notice to End Tenancy for Cause* (the Notice) and recovery of the filing fee. Both parties appeared at the hearing and had an opportunity to be heard and respond to other party's submissions.

Issue to be Decided

Should the Notice issued June 30, 2010, be cancelled?

Background and Evidence

The Landlord has alleged the following reasons on the Notice for ending the tenancy:

The Tenant or a person permitted on the property by the Tenant has: significantly interfered with or unreasonably disturbed another occupant or the Landlord; and seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.

The Landlord's agents testified that on May 12, 2010, the Tenant forced his way into a neighbour's suite, looking for the neighbour's 3 year old child and exclaiming that the child was going to burn. The police were called and took the Tenant away. The Tenant returned to the rental unit 5 days later. The Landlord's agents testified that the neighbour and his family moved out of the rental property as a result of the events of May 12, 2010, in fear of the Tenant.

The Tenant testified that he was ill on May 12, 2010, and heard voices in his head telling him that they were going to burn the neighbour's child. He does not dispute the

Landlord's agent's version of the events of May 12, 2010, but states that he is now on new medication and that it is unlikely that it will happen again. The Tenant stated that the neighbour approached him in the hallway after he returned to the rental unit and shook his hand saying, "I am with you. I have a nephew like you", or words to that effect. The Tenant testified that he has lived in the rental unit since 1987 and this is the first time an incident like this has occurred. He stated that since he has been on his new medication he still hears voices, but he can ignore them.

The Landlord's agents stated that the Tenant had given the neighbour a note, asking the neighbour to help the Tenant by putting in writing what the neighbour had said. The Landlord's agents stated that the neighbour had given them the note, a copy of which was entered in evidence. The neighbour wrote to the Landlord and explained that he would not be writing a letter of endorsement for the Tenant to stay, and that the neighbour did not trust the Tenant not to do it again. The Landlord provided a copy of the neighbour's note in evidence.

Analysis

A Landlord has a responsibility to all of his tenants to ensure that they are provided with peaceful enjoyment of their rental units. The Tenant acknowledges that he broke into a neighbour's suite and threatened a 3 year old child. I find that the Tenant significantly interfered with or unreasonably disturbed the neighbour and his family, and that the Tenant has not provided reason that the Notice should be cancelled. Therefore, the Tenant's application is dismissed.

At the end of the Hearing, the Landlord's agents requested an Order of Possession to be effective on September 27, 2010, to allow the Tenant more time to find suitable alternate accommodation.

Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., September 27, 2010.**

Conclusion

The Tenant's application is dismissed.

Pursuant to the provisions of Section 55(1) of the Act, I grant the Landlord an Order of Possession **effective 1:00 p.m., September 27, 2010.** This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: September 01, 2010.
