

DECISION

Dispute Codes CNC

Introduction

This is an application by the Tenant to cancel a notice to end tenancy for cause. Both parties attended by conference call and gave affirmed testimony.

Issues(s) to be Decided

Does the Landlord have cause to end the tenancy?

Background and Evidence

The Tenant was served in person with a 1 month notice to end tenancy for cause on September 15, 2010. The Tenant filed her application for dispute to cancel a notice to end tenancy on September 21, 2010.

The Landlord states that cause to end this tenancy stems from incidents that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord. The Landlord has filed into evidence 8 letters dating from 2001 until 2010. These letters by other Tenants in the rental complex cite issues with excessive noise, fighting, profane language and abusive behaviour to other Tenants. According to one letter, such noise and behaviour would occur during the late hours and frequently on a daily basis. The most recent being 2 letters filed with the Landlord within days of the hearing citing issues continuing with the Tenant's occupancy. The Landlord read these letters into evidence during the hearing. These recent letters support the ongoing issues of the Landlord from this tenancy. The Tenant's advocate states that these noises may be excessive to other Tenants but are normal noises to the Tenant. The Tenant's Advocate did not dispute the evidence, only citing that the letters dated from 2010 were of relevance. The Tenant's Advocate has made an oral request for an adjournment of the hearing to produce a plan suitable for

the Landlord accept mediation as an option. This adjournment was denied as those plans were already initiated by the Tenant but have not been followed up by either party. The Landlord does not agree to mediation and feels that arbitration is the only option.

Analysis

I am satisfied that the Landlord has shown cause to end the tenancy. The Landlord has shown that the continued tenancy is causing other Tenants to be unreasonably disturbed. Based upon the above facts, I find that the Landlord is entitled to an order of possession. The effective date for this possession will be January 31, 2011. 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 Landlord is granted an order of possession.

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: October 26, 2010.
