



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC, MNR, RP, PSF, AAT, FF, O
OPC

Introduction

This hearing dealt with cross applications from the landlord and tenant. The application by the landlord is for an Order of Possession for Cause. The application by the tenant(s) is to allow more time to make an application, cancel a Notice to End Tenancy for Cause, a monetary order for cost of emergency repairs, order the landlord to make repairs to the unit, order the landlord to provide services, allow access to and from the unit, other and recovery of the filing fee. Both parties participated in the conference call hearing and gave affirmed testimony.

Issues to be Decided

Whether either party is entitled to the above under the Act.

Summary of Background and Evidence

This tenancy started on July 1, 2008 with monthly rent of \$920.00. The Tenant paid a security deposit of \$425.00 on May 19, 2008. On October 5th, 2010 the landlord served the tenants with a Notice to End Tenancy for Cause. Specifically the landlord indicated on the Notice that the tenants had: allowed an unreasonable number of occupants in the unit/site; significantly interfered with or unreasonably disturbed another occupant or the landlord; adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord; tenant has assigned or sublet the rental unit/site without landlord's written consent.

The basis for the landlord's Notice revolves around the behavior of the tenants in the rental unit. The landlord testified that there has been on-going verbal abuse and threats towards the landlord and building management and continued disruption in the building due to the tenant's and the tenant's guests actions.

The landlord also testified that the tenant's have had and continue to have loud, disruptive parties that have resulted in numerous calls to police and fire in relation to these tenants and/or persons permitted on the residential property by the tenants.

Documentary evidence submitted by the landlord shows that the tenants disconnected a smoke detector which compromised the fire safety system for the entire building resulting in the building being put on a 30 minute 'fire watch' by the fire department.

All 3 tenants were present during the hearing and for their part the tenants feel they have not been loud or disruptive. The lead tenant testified that on a number of occasions when discussing matters with the landlord or building manager he has gotten very upset with the parties. As a result the tenant raised his voice and yelled at both the landlord and building manager. The tenants also testified that they have held parties in the past but they did not feel that their current gatherings were loud or disruptive.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to an order of possession.

As the landlord has been successful in their application the balance of the tenant's application is dismissed.

Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenants. This Order must be served on the Tenants 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: October 29, 2010

Dispute Resolution Officer