



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC, MNDC, RP

### Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties and their witnesses the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witnesses.

All testimony was taken under affirmation.

### Issues(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

The claims on this application are not sufficiently related to be dealt with together.

I therefore will deal with the application to cancel a Notice to End Tenancy and I dismiss the remaining claims, with liberty to re-apply.

## Background and Evidence

The landlord testified that:

- The tenant damaged two doors in the rental property, his own door to his rental suite, and the door to the tool room.
- The tenant has admitted to damaging the door to his own suite and claims to have repaired it; however the door was badly damaged and needs to be replaced. The solid core door has actually been split.
- The tenant was also witnessed breaking the tool room door, and a witness letter has been provided.
- This was extraordinary damage caused by the applicant's unreasonable actions and therefore he believes this tenancy should end.

The tenant testified that:

- He had lost his key to the rental unit and after waiting for a couple of hours for the manager he decided to force the door opened to gain access to his suite.
- He realizes that he caused damage to the door; however he has now repaired that damage and does not believe that he should be evicted.
- He denies causing any damage to the tool room door, does not know who the witness is, and points out that the witness statement only mentions a first name and does not mention his full name.
- He further points out that although the title of the witness letter mentions the tool room door, the actual statement only states that he pried open the door and therefore it could be referring to his personal door, which he does not deny prying open.

The applicant is therefore requesting that the Notice to End Tenancy be cancelled and that the tenancy continues.



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## Analysis

It is my decision that the landlord has shown that the tenant caused extraordinary damage to the rental property and therefore I will not set the Notice to End Tenancy aside.

The tenant has admitted that he caused damage to his own rental suite by forcing it open and although he claims to have fixed the damage, he still caused extraordinary damage.

It is also my finding that the damage to the tool room was likely caused by the applicant as well. The witness letter does not name him specifically however it does give his first name and I find it too coincidental that the tool room door should be broken at the same time as the door to his room, by someone named Ken who did not have a spare key.

## Conclusion

The tenants application to have these section 47 Notice to End Tenancy cancelled is dismissed without leave to reapply and have issued an Order of Possession to the landlord for 1 p.m. on November 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: November 10, 2010.

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Dispute Resolution Officer