



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF, MNDC

Introduction

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

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

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to cancel a section 47 Notice to End Tenancy and a request for a monetary order for \$2330.00.

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.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with request to cancel the Notice to End Tenancy and I dismiss the remaining monetary claim with liberty to re-apply.

Background and Evidence

The landlord testified that:

- One of the other tenants in the rental property was assaulted by the tenant's daughter, and she stole and destroyed his phone.
- The other tenant also alleges that he was threatened by the same person claiming that she said they know who he is, will come after him and get him.
- As a result of the assault the RCMP opened an investigation and a mischief charge has been filed against the tenants daughter.
- The other tenant states that he is afraid of these people and is concerned about the threat.

The tenants testified that:

- their daughter told them that this other tenant was staring at her from his door and when she said what he looking at he raised his phone and she thought he was going to take a photo of her.
- As she did not want her photo taken she did knock his phone out of his hand, and then took the phone and threw it out the front door.
- Originally the police told her that a mischief charge was going to be laid, however they later informed her that the other tenant had said if his phone was replaced he would drop the charges.
- Therefore they were very surprised when they got this Notice to End Tenancy as they thought the matter had been resolved.
- In a subsequent call to the RCMP they were informed that the other tenant no longer wishes to drop the charges.
- They feel this is a matter for the courts and that they should not be evicted as a result.

Analysis

It is my decision that the landlords do have reasonable grounds for ending this tenancy.



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The Residential Tenancy Act allows the landlord to end the tenancy if a tenant significantly interferes with her unreasonably disturbs another occupant of the rental property or seriously jeopardizes the health or safety or lawful right of another occupant.

In this case the tenants have admitted that their daughter, who is a co-tenant, in effect assaulted another occupant of the rental property and destroyed his personal property.

They testified that their daughter felt uncomfortable because the other tenant was staring at her; however it is not reasonable to assault someone because they are staring at you. If they felt the other tenant's behaviour was unreasonable it is a matter they should have taken up with the landlords rather than taking the law into her own hands.

Therefore it is my decision that I will not set the one month Notice to End Tenancy aside and this tenancy ends on November 30, 2010.

Conclusion

As stated earlier a monetary portion of the claim is dismissed with leave to reapply.

The request to have the Notice to End Tenancy cancelled is dismissed without leave to reapply and I have issued an Order of Possession to the landlords 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 22, 2010.

Dispute Resolution Officer