



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MT, CNC

### Introduction

This was an application by the tenant for an order cancelling a one month Notice to End Tenancy for cause and for more time to file his application. The hearing was conducted by conference call. The tenant called in and participated in the hearing together with his advocate. The landlord's property manager participated in the hearing.

### Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The rental unit is an apartment in a multi-apartment building. The tenancy began in March, 2006. The landlord served the tenant with a one month Notice to End Tenancy on August 31, 2010. The Notice claimed that the tenant has significantly interfered with or unreasonably disturbed other occupants, damaged the landlord's property and breached a material term of the tenancy agreement.

The landlord testified that the tenant has disturbed other occupant and the landlord by noise and disturbances and by his requests for money, cigarettes or other goods or favours. He has a cat in the rental unit contrary to a term of the tenancy agreement that prohibits pets. The landlord also provided evidence and photographs to show that the tenant has damaged the rental unit.

The landlord said that the tenant has a camper unit intended to be mounted on the back of a pick-up truck that is stored on the landlord's property and the tenant's acquaintances are living in the camper.

The tenant and his advocate submitted that the tenant, who suffers from a mental illness, has taken steps to resolve all of the concerns raised by the landlord. He said that he gave the camper to the individuals who are now living in it and he has no control over them. He suggested that the landlord should call the police to have them removed.

The tenant has recently received some assistance from a mental health worker and he is again taking medications that improve his mental condition and functioning.

#### Analysis and Conclusion

The evidence from the landlord established that the landlord has sufficient grounds to end the tenancy and I decline to cancel the notice to End Tenancy. The tenant is actively seeking alternative housing, but he will require time to find suitable housing. The landlord has requested an order for possession but she has agreed that the Order may be effective on November 30, 2010 so as to give the tenant a chance to find other accommodation. I grant the landlord an order for possession effective November 30, 2010 after service on the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

The tenant agreed to attend to the removal of the camper and its occupants from the landlord's rental property. I direct the tenant to forthwith remove the camper from the property and I direct him to ensure that rent is paid for the months of October and November.