



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, O

Introduction

This hearing dealt with an application by the tenant to; cancel a Notice to End Tenancy for Cause and other. Both parties participated in the conference call hearing and gave affirmed testimony.

Issues to be Decided

Is the tenant entitled to any of the above.

Summary of Background and Evidence

This tenancy started on April 1, 1998 with monthly rent of \$1032.00. On October 12, 2010 the landlord served the tenant with a Notice to End Tenancy for Cause: the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; the tenant has breached a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The landlord testified that there have been numerous complaints from other tenants in the complex in regards to the actions of the tenant's son which include: large groups of kids at the tenant's garage playing loud music and partying, drinking, swearing, smoking marijuana, throwing their trash everywhere and entering an un-occupied unit. The police have been called to attend on more than one occasion. Evidence submitted by the landlord shows 10+ complaints from tenants regarding the tenant's son and his friends.

The landlord stated that she continues to receive complaints about the tenant's son and his friends. The landlord also stated that due to the number of complaints the peace and quiet enjoyment of other tenants had been compromised and it was the landlord's duty to ensure peaceable living conditions for the other tenants.

The tenant testified that many of the allegations are not about her son but other teenagers in the complex and that the complaints have no verification (IE: police reports) that it was her son that was responsible for the disruption. The tenant stated that she has started counselling with her son and put an end to the parties and loud music. The tenant also stated that she had set the garage up for her son's use with 2 couches, an entertainment center and xbox game.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

The tenant stated that she has been a long time resident of the complex and that there have never been any issues before and it was just this past August that there were problems. It should be noted that this complex has 54 units with approximately 25 teenagers living on site.

The tenant also brought up the issue of the charges for having 4 locks re-keyed and I am satisfied that the charges are appropriate.

Analysis

Based on the documentary evidence and testimony I am not satisfied that the landlord has proved it's case. I accept that there have been issues in regards to the tenant's son, but I am not satisfied that all of the problems regarding loud teenagers are associated with him alone. I note that this has been a long standing tenancy and I am not satisfied that the actions of the tenant's son justify bringing this tenancy to an end.

As the garage has become a gathering spot for teenagers and the source for a number of the complaints, it would behove the tenant to remove the couches, entertainment center etc. and completely restrict access to this area.

Clearly if such behaviours were to occur again in the future and another Notice to End Tenancy issued, the record of these events would form part of the landlord's case should it again come before a dispute resolution officer for consideration.

Conclusion

I therefore allow the tenant's application and set aside the Notice to End Tenancy for Cause dated October 12, 2010. As a result, the tenancy shall continue in accordance with it's original terms.

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 2, 2010

Dispute Resolution Officer