



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC

Introduction

Some written arguments were submitted prior to the hearing. I have thoroughly reviewed all submissions.

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

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request to cancel a section 47 Notice to End Tenancy.

Background and Evidence

The landlord testified that:

- The tenant acts in a very aggressive manner towards the other tenants in the rental property and they are all afraid of him.
- He has threatened the other tenants and the police have had to have been called as a result.
- He swears of the other tenants, is always bugging them to borrow money, and if they refuse he becomes abusive and threatening.

The landlord therefore requested the Notice to End Tenancy be upheld and that in Order of Possession be issued.



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The tenant testified that:

- He is not threatening or aggressive towards the other tenants and these claims are all untrue.
- On one occasion when he was angry at the other tenants he did say “if I were not such a nice guy I would come up there and kill you”, but he did not threaten them in any way.

The tenant therefore believes that this Notice to End Tenancy should be cancelled and the tenancy should continue.

Analysis

It is my decision that I will not set this Notice to End Tenancy aside.

In his own testimony the tenant stated that he told the upstairs tenants that “if he was not such a nice guy he would come up there and kill them”, and although he may not think this is a threat, it is my finding that it is a very threatening statement, meant to intimidate.

It is not reasonable that other tenants in the rental unit should have to endure this sort of intimidation and therefore the landlord does have reasonable cause for ending this tenancy.

Conclusion

This application is dismissed without leave to reapply and I have issued an Order of Possession to the landlord for 1 p.m. on December 31, 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: December 23, 2010.

Residential Tenancy Branch