



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNC

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause. Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, to call witnesses, and to make submissions to me.

Issue(s) to be Decided

The issue to be decided in this decision is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside.

Background and Evidence

The Agent for the Landlord #1 and the Tenant agree that this tenancy began in 2005.

The Agent for the Landlord #1 and the Tenant agree that a 1 Month Notice to End Tenancy for Cause was personally served on the Tenant on December 15, 2010. The reasons stated for ending the tenancy on the Notice to End Tenancy were that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; that the Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health or safety or lawful interest of another occupant or the landlord; and that the Tenant or a person permitted on the property by the Tenant has put the Landlord's property at significant risk.

The Agent for the Landlord stated that the Landlord has many reasons for ending this tenancy but the only reasons that the Landlord is prepared to discuss at this hearing is that the police have advised the Landlord that they are currently conducting an investigation involving the Tenant and because the Tenant behaved inappropriately towards the Agent for the Landlord #4 on December 04, 2010.

The Agent for the Landlord #1 stated that the police would not provide any details regarding their investigation, including whether the Tenant is a suspect or a victim.

The Agent for the Landlord #4 stated that on December 04, 2010 he permitted the Tenant to take two plates from the dining area to her room; that she only returned one plate; that when he asked her where the second plate was she became upset because she believed he was accusing her of stealing a plate; and that in a raised voice she made comments about Russia and the KGB, which he interpreted as being derogatory comments about his heritage.

The Tenant agreed that she became upset with the Agent for the Landlord #4 on December 04, 2010 when he questioned her about the location of the second plate. She acknowledged that she made comments about this being Canada and not Russia, because she believed she was being accused of stealing.

Analysis

I find that the Landlord has provided insufficient evidence to show that the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord.

In reaching this conclusion I find that the Landlord submitted no evidence to show that the police investigation has impacted this tenancy in any way. Given that the Landlord has no information regarding the nature of the police investigation, including whether the Tenant was a victim or a suspect, I find that the mere fact that the Tenant is involved in a police investigation is not grounds to end a tenancy.

While I accept that the Tenant and the Agent for the Landlord #4 had an altercation on December 04, 2010, at which time the Tenant may have made statements that could be considered offensive, I do not find that the comments, in and of themselves, can be considered serious enough to end this tenancy. While a tenancy may be ended if a Tenant shows a frequent and persistent pattern of treating employees or other tenants in a rude or inappropriate manner, I find that, in these circumstances, the Landlord has submitted insufficient evidence to show that such a pattern exists.

Conclusion

As I have determined that the Landlord has submitted insufficient evidence to establish that it has grounds to end this tenancy pursuant to section 47 of the Act, I hereby set aside the One Month Notice to End Tenancy, dated December 15, 2010, and I order that this tenancy continue until it is ended in accordance with the Act. 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: January 17, 2011.
