



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

### Summary of Background and Evidence

The tenancy with the housing society began in 1995 and the tenant relocated to this complex in 2009. On February 11, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause: allowed an unreasonable number of occupants in the unit/site; significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health or safety or lawful right of another occupant or the landlord; put the landlord's property at significant risk; adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord; jeopardized a lawful right or interest of another occupant or the landlord.

The landlord testified that the tenant's adult son 'JD', was involved in 2 incidents on February 10, 2011 where he verbally threatened a number of tenants in the building resulting in the police having to attend. The threats were that JD "had a gun and would shoot people and burn the place down" and that he would kill one tenant's family because his mother was being evicted. Numerous tenants have witnessed the tenant's son being verbally abusive, yelling and kicking his mother's door; witness statements have been submitted into evidence.

The landlord stated that the tenant has been a resident of their housing society since 1995 and that they have made arrangements in the past for the tenant to relocate in the hope that the tenant could distance herself from her son and the associated problems. The landlord is concerned that even if there is a restraining order to keep the son away from the apartment building that it will be very difficult to enforce.

The landlord in this hearing, per Section 55 of the Act has verbally requested an order of possession dated April 30, 2011.

The tenant testified that there have been on-going issues with his brother and that his mother had advised JD that he was no longer welcome at her apartment and that his mother has discussed getting a restraining order against JD. The tenant stated that his mother is doing what she can to keep JD away from the apartment and prevent JD from causing any further problems. The tenant stated that JD is currently incarcerated and is to be attending a treatment center upon his release.

The tenant stated that he is very concerned for his mother's health if she is evicted from her apartment as she is very elderly, the tenant did however state that he understood the landlord's position. The tenant is hoping that JD's behaviour will not be an issue in the future and that his mother will be able to remain in her apartment.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds to have the notice to end tenancy for cause upheld and are entitled to an order of possession.

The tenant's application is hereby dismissed.

### Conclusion

The tenant's application is dismissed in its entirety.

I hereby grant the Landlord an **Order of Possession** effective not later than **4:00 PM, April 30, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: March 9, 2011

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Residential Tenancy Branch