



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC

Introduction

This hearing was originally scheduled to hear the tenant's request to cancel a 1 Month Notice to End Tenancy for Cause and more time to make such a request on April 7, 2011. Both parties appeared at the April 7, 2011 hearing and an adjournment was granted. The adjourned hearing was reconvened for 9:00 a.m. on April 27, 2011. Only the landlord appeared at the reconvened hearing. Despite waiting until 9:11 a.m. the tenant did not appear at the reconvened hearing.

The landlord indicated that he did not wish to pursue ending the tenancy at this time and requested this decision serve as a final warning to the tenant. Pursuant to my authority under section 62 of the Act, I granted the landlord's request for this decision to serve as a final warning for the tenant and I proceeded to hear from the landlord without the tenant present.

Issue(s) to be Decided

What are the conditions of the final warning?

Background and Evidence

The tenancy commenced in March 2008 and the tenant is still residing in the rental unit. On March 4, 2011 the tenant permitted a person on the residential property and that person was involved in an assault resulting in serious bodily harm and significant disturbance to other occupants of the residential property. The landlord personally served the tenant with a 1 Month Notice to End Tenancy for Cause on March 7, 2011.

Other than an incident in October 2008 the tenant has lived a relatively quiet life at the residential property and the landlord was willing to withdraw the Notice provided there are no future incidents that unreasonably disturb or jeopardize the health and safety of other occupants or the landlord.

Analysis

Section 47 of the Act provides that a landlord may end a tenancy where:

(d) the tenant or a person permitted on the residential property by the tenant has

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
- (iii) put the landlord's property at significant risk;

By way of this decision, the tenant is now considered fully informed and aware that he is responsible for his behaviour at the residential property AND the behaviour of persons he permits in the residential property. Accordingly, the tenant must ensure that his behaviour or the behaviour of persons he permits on the property does not unreasonably disturb or seriously jeopardize the health or safety of other occupants or the landlord.

The tenant is also duly informed and cautioned that any future behaviour that violates these above described requirements will be grounds for the landlord to issue another Notice to End Tenancy and pursue the end of this tenancy.

Conclusion

The Notice to End Tenancy has been set aside and the tenant has been issued a final warning by way of this decision. The landlord is at liberty to issue another Notice to End Tenancy should there be a future incident that gives the landlord cause to end the tenancy under section 47 of 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: April 27, 2011.

Residential Tenancy Branch