



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause. The tenant, an advocate for the tenant and the landlord participated in the teleconference hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Background and Evidence

The tenant rents a room in a shared house. The landlord lives in the house but is not the owner of the house.

On August 29, 2011 the landlord served the tenant with a notice to end tenancy for cause. The notice indicates that the reason for ending the tenancy is that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord's testimony regarding the cause for ending the tenancy was as follows.

The tenant's behaviour has been unreasonably disturbing other occupants and the landlord. Two other occupants of the house have made written complaints to the landlord about the tenant. A female occupant complained about unwanted touching by the tenant, and her fear of the tenant has led her to confining herself in her room until the tenant has left the house. A male occupant complained that he feels uncomfortable about the tenant's comments about women's bodies. On one other occasion the landlord was present when the tenant came out of his room naked. The tenant has made other occupants and the landlord extremely uncomfortable in the house, and the landlord feels that it is not appropriate for the tenant to be living in a coed situation. The landlord pointed to the tenant's behaviour throughout the teleconference hearing as

evidence of the tenant's aggressive, inappropriate behaviour. The landlord orally requested an order of possession in the hearing.

The tenant's response was as follows.

The tenant has received no written notice from the landlord about any issues. In regard to the female occupant's complaint, the tenant once touched her hand by accident. In regard to the male occupant's complaint, the tenant had taken a picture of a girl on his phone, and made a comment to a friend about a "nice-looking girl." This discussion did not take place in the house. In regard to the landlord's complaint, the tenant was not nude in the incident in question, he was wearing a bathing suit or shorts. In response to my questions about this incident, the tenant also made comments, several times, about not being able to use the bathroom because it was disgusting, and being interrupted while using the bathroom. The tenant repeatedly used profanity and was aggressive and confrontational throughout the teleconference hearing.

Analysis

Upon consideration of the evidence, I find it more likely than not that the tenant's behaviour in the house has unreasonably disturbed other occupants and the landlord.

The tenant acknowledged that on one occasion he touched the female tenant, and on another occasion he made a comment about a female's appearance. The tenant therefore at least partially acknowledged the incidents in question.

The tenant did not give consistent testimony about the landlord's complaint that the tenant came out of his room naked, and several times he did not directly answer the questions asked of him but instead made contradictory comments about using the bathroom in the house. I find that the tenant's conflicting and unclear testimony as well as his aggressive, confrontational demeanour throughout the hearing undermined the tenant's credibility. The landlord's testimony, in contrast, was clear, consistent and credible.

I find the notice to end tenancy is valid. The landlord orally requested an order of possession, and accordingly I grant the landlord an order of possession.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order 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: October 6, 2011.

Residential Tenancy Branch