



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This conference call hearing was convened in response to the tenant's application for a cancellation of a 10 Day Notice to End Tenancy.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Should the notice to end tenancy be set aside, and should the tenancy continue?

Background and Evidence

The rental unit consists of an apartment in a subsidized housing complex. The tenancy started on March 1st, 2011 and the tenant's portion of rent is \$320.00 per month.

The landlord served the tenant a 1 Month Notice to End Tenancy for Cause on October 28th, 2011, stating for reasons that; the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord; the tenant seriously jeopardized the health or safety or lawful right of another occupant or the landlord; the tenant put the landlord's property at significant risk; the tenant adversely affected the quiet enjoyment, security, safety, or physical well-being of another occupant or the

landlord; and the tenant jeopardized a lawful right or interest of another occupant or the landlord.

The landlord testified that the tenant has continual violent fights with his girlfriend; she stated that the police attended the tenant's unit 5 times over this problem, and detailed incidents that occurred on March 24th, April 18th, April 19th, July 1st, and more recently on October 27th, after she gave the tenant a written warning letter on July 5th, 2011. The landlord stated that during the July 1st, incident, a worker in the building reported to the police that the tenant had a knife, and that he threatened to kill his girlfriend and then himself. On the October 27th, 2011 incident, she stated that 8 police officers were dispatched to the tenant's unit. In addition to the heavy fighting, the landlord stated that she received several complaints from other occupants of loud music being played late into the night.

The tenant testified that the claims are exaggerated, that there was no knife involved in any fight, and that each time the police came he was found innocent. He stated that the source of the problem is his girlfriend refusing to leave, and that he will do anything to comply as he has no money.

Analysis

I find that the tenant's oral testimony contradicts the details of his dispute in his application, in which he states that the allegations are false. After hearing the parties' testimony, and after reviewing the landlord's documentary evidence, I find on a balance of probabilities that the tenant has significantly disturbed other occupants or the landlord, that they have reasons to fear for their safety, and that the landlord had sufficient grounds to serve the tenant with the notice to end the tenancy.

Conclusion

The tenant's application is dismissed and the Notice to End Tenancy is of full force and effect. Accordingly the tenancy will end on the effective date on the notice, specifically November 30th, 2011.

If the tenant fails to comply, the landlord is at liberty to apply for an Order of Possession.

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: November 24, 2011.

Residential Tenancy Branch