



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC  
                                 OPC

### Introduction

This hearing dealt with cross applications by the landlord and tenants. The application by the tenants is to cancel a notice to end tenancy for cause. The application by the landlord is for an order of possession for cause.

The landlord participated in the conference call but the tenants did not. As the tenants had filed an application in response to the landlord's notice and both the tenant's and landlord's files were set to be heard on the same day and time, the tenants were aware of the hearing and the hearing continued in their absence.

### Issue(s) to be Decided

Is either party entitled to any of the above under the Act.

### Background and Evidence

On December 31, 2011 the landlord served the tenants with a 1 Month Notice to End Tenancy for Cause:

The tenants have:

- been repeatedly late paying rent
  - 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;
- Engaged in illegal activity that has or is likely to:
- damaged the landlord's property;
  - adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
  - significantly interfered with or unreasonably disturbed another occupant or the landlord;
  - jeopardized a lawful right or interest of another occupant or the landlord;

- caused extraordinary damage to the unit/site or property/park;
- has not done required repairs of damage to the unit/site;
- knowingly gave false information to prospective tenant or purchaser of the rental unit/site or property/park;

The landlord testified that the tenants have been very disruptive, they have threatened other residential tenants in the building and business tenants and their clients, they have broken into other rental units and the given keys to the building to transients. The landlord stated that it appeared that the tenants are involved in drug dealing, prostitution and stolen property however the landlord does not have concrete proof of this.

The landlord stated that one residential tenant vacated his rental unit because the tenant had broken in repeatedly and would threaten the tenant if he was in the rental unit at the time. The landlord stated that the tenant has verbally and threatened the business tenants and their customers which has resulted in a loss of business for some of the businesses.

The landlord stated that the tenant will also turn his music up extremely loud and bang on the floor which is the ceiling of the businesses. The landlord stated that some of the business owners have had customers leave because they became afraid to stay on the property. The landlord stated that the tenant has also broken down his own door..

The landlord stated that the tenants have also paid the rent late every month since the start of the tenancy in mid 2010.

The landlord is very concerned about the safety of the other tenants in the building and has requested an order of possession effective two days after service upon the tenants.

### 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 landlord has provided testimony and evidence that establishes how the tenants have significantly interfered with, seriously jeopardized, adversely affected and jeopardized the lawful rights or interests of other occupants and the landlord. The landlord has also proven his case regarding the tenant's repeated late payment of rent.

### Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenant(s). This Order must be served on the tenant(s) 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: January 26, 2012

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Residential Tenancy Branch