



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is an application to cancel a Notice to End Tenancy that has been given for cause.

### Background and Evidence

The tenant testified that on January 31, 2012 she received a one month Notice to End Tenancy giving the following reasons:

Tenant or person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

- seriously jeopardize the health or safety or lawful right of another occupant or the landlord
- put the landlords property at significant risk

The landlords testified that:

- The tenant has allowed a male friend to live in her rental unit and that male friend has been involved in numerous altercations.
- On December 11, 2011 the male friend was arrested for assault and they have provided a copy of the bail statement as evidence.
- On January 23, 2012 the male friend was again involved in a disturbance and again was arrested.
- There are ongoing disturbances caused by this male friend and the disturbances are unreasonably disturbing the other occupants of the rental property.
- They have supplied witness letters from other tenants that describe some of the ongoing disturbances.
- They are therefore requesting that the Notice to End Tenancy be upheld and that an Order of Possession be issued.

The tenant testified that:

- Her male friend does not live with her although he is a frequent visitor, and has on occasion housesit for her.
- Her male friend has been involved in some fights and arguments but he did not instigate the assaults.
- All charges were dropped against her friend because the Crown counsel knows that he did not instigate the assaults.
- The assaults did not even take place in her unit and therefore she fails to see how she is responsible for any disturbances.
- She does not think the people who wrote the witness letters are very credible.

Analysis

It is my decision that I will not set aside the Notice to End Tenancy.

The applicant has admitted that the person involved in the assaults is a frequent invited guest of hers, and therefore she can be held liable for any disturbances in which he is involved.

Based on the evidence provided I find, on the balance of probabilities, that the applicants invited guest has been unreasonably disturbing the other occupants of the rental property.

The applicant claims that it is her friend who is the victim in this case, however the landlords have supplied ample evidence for me to find that the applicants invited guest is unreasonably disturbing the other occupants of the rental property.

Conclusion

This application to cancel the Notice to End Tenancy is dismissed and I have issued an Order of Possession to the landlords for 1 p.m. on February 29, 2012.

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: February 20, 2012.

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Residential Tenancy Branch