



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC MNDC OLC RR FF

### Introduction

This hearing was convened to deal with the tenant's application for monetary compensation, a reduction in rent and an order that the landlord comply with the Act. The landlord, the tenant and a witness for the tenant participated in the teleconference hearing.

The tenant submitted late evidence including a notice to end tenancy for cause. I allowed the tenant to amend her application to dispute the notice to end tenancy. I asked the landlord whether she required an adjournment or if she was prepared to proceed on the issue of the notice to end tenancy. The landlord stated that she wished to proceed on the issue of the notice to end tenancy.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

### Issue(s) to be Decided

Is the notice to end tenancy valid?

### Background and Evidence

On January 30, 2012, the landlord served the tenant a notice to end tenancy for cause. The notice cited the reasons for ending the tenancy as follows: "the tenant or a person permitted on the property by the tenant has (a) significantly interfered with or unreasonably disturbed another occupant or the landlord; (b) seriously jeopardized the health or safety or lawful right of another occupant or the landlord."

### *Landlord's Evidence*

The landlord fears for the safety of herself, her husband and her 20-year-old son. The landlord and the tenant have had disagreements about where the tenant or her guests are allowed to park in the driveway. On one occasion, the tenant's boyfriend sat for 15 minutes in his parked car in the driveway, and then almost hit the landlord's son with his car. The landlord called the police about this incident. On several occasions the tenant has served the landlord with written complaints about the landlord and her son, and in

those letters the tenant has threatened that the landlord's son will "get what he deserves."

### *Tenant's Response*

The tenant has been threatened by the landlord's son. The tenant's friend appeared as a witness and testified in the hearing that he was sitting in his car during the incident in question when the landlord's son drove up behind him and started revving his engine. Then the landlord's son began videotaping him. The witness was just sitting in his car, doing nothing. The witness has been present when the landlord's son was stalking the tenant by following her and the witness by driving behind them. The witness also saw the landlord's son try to assault the tenant. The tenant stated that she has just been following the Act by putting her complaints to the landlord in writing.

### Analysis

I find that the landlord has not provided sufficient evidence to support the alleged causes for ending the tenancy. The relationship between the landlord and the tenant is clearly acrimonious, and it appears that one of the issues of dispute is where the tenant may park in the driveway. However, the landlord has not shown on a balance of probabilities that the tenant or a guest of the tenant has either significantly interfered with or seriously jeopardized the health or safety or lawful right of the landlord or another occupant. I therefore find that the notice to end tenancy is not valid.

### Conclusion

The notice to end tenancy for cause is cancelled, with the effect that the tenancy continues.

The remainder of the tenant's application is dismissed with leave to reapply.

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 7, 2012.

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Residential Tenancy Branch