



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, MT

Introduction

A substantial amount of documentary evidence, photo 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 a request to cancel a Notice to End Tenancy and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The landlord testified that:

- They did an inspection of the tenant's rental unit and found an extensive amount of damage in the unit including numerous holes in the doors and walls and numerous areas where walls had been patched.
- They also found the fridge in the rental unit badly dented.
- The front door in the rental unit was also extensively damaged and had to be replaced.
- As a result of this extensive damage they decided to give a Notice to End Tenancy to avoid any further damage to the rental unit.

The tenant testified that:

- She does not dispute that there is extensive damage in the rental unit and stated that it was caused by her son who has ADHD.
- She would repair the damage if she could afford to, however she is unable to afford to repair the damage at this time.
- The front door was accidentally damaged when her son walked into it believing it was open.
- She wants this notice cancelled as she cannot afford to move nor can she find any affordable housing in the area.

Analysis

The Residential Tenancy Act allows the landlord to end the tenancy if the tenants have caused extraordinary damage to the rental unit, and in this case is my finding that the landlords have shown that the tenants have caused extraordinary damage to this rental unit.

The photo evidence provided by the landlord clearly shows that there is an extensive amount of damage and even the tenant admits that there is a fairly substantial amount of damage to this rental unit and admits that it was caused by her child.

Therefore since the tenants have caused extraordinary damage to this rental unit I will not set this Notice to End Tenancy aside and this tenancy ends on April 30, 2012.

Conclusion

This application is dismissed without 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: April 16, 2012.

Residential Tenancy Branch