



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, O

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the Notice set aside?

Background and Evidence

The tenancy began on or about May 1, 2009. Rent in the amount of \$1050.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$525.00.

The landlord gave the following testimony; has received numerous verbal and written complaints from four separate tenants about the subject tenant, has issued three warning letters to the subject tenant to correct her behaviour and that of her children, issued a One Month Notice to end Tenancy for Cause on May 20, 2012 for “significantly interfered with or unreasonably disturbed another tenant or the landlord”, seeks to have the Notice stand and have the tenancy end on June 30, 2012.

The tenant gave the following testimony; disputes the complaints by other tenants, feels like she's being picked on by the landlord and other tenants, feels the complaints are not that severe as many pertain to her children playing, many of the complaints have come from people who no longer live there and doesn't feel they're relevant to this

hearing, feels the landlord wants her to move out so that they can renovate her unit and seek higher rent, is in the process of looking for a new place and would be agreeable to move out by August 31.

Analysis

The tenant is the applicant for this hearing and bears the responsibility for proving her claim. The landlord submitted a large amount of documentary evidence to support their position. The tenant stated that she could dispute all of the landlords allegations with her own evidence but wasn't familiar with the process to do that. The tenant has not submitted any documentary evidence for this hearing.

Based on the testimony of both parties and the documentary evidence submitted by the landlord I am satisfied that the One Month Notice to End Tenancy For Cause dated May 20, 2012 remains in full effect and force. The effective date of the Notice is June 30th, 2012.

During the hearing the landlord requested an order of possession; I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenant has not been successful in her application.

Conclusion

The landlord is granted an order of possession.

The tenant's application is dismissed in its entirety 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: June 20, 2012.

Residential Tenancy Branch