



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This matter, brought on the tenant's application to have a Notice to End Tenancy set aside, was initially set for hearing on May 30, 2012 but was adjourned after 30 minutes due to a fire alarm in the Residential Tenancy Branch Office. The first session of the hearing in large dealt with the landlord's evidence outlining the reasons for service of the Notice and the adjournment was granted to allow the tenant a full opportunity to respond.

Therefore, this decision should be read in conjunction with my Interim Decision of May 30, 2012.

As a preliminary matter, at the commencement of the reconvened hearing, the tenant challenged hearsay evidence given by the landlord at the initial session on the grounds of a breach of the *Canada Evidence Act*.

The parties were advised that dispute resolution hearings are conducted under the rules applicable to Administrative Tribunals in which hearsay evidence may be accepted. In the present matter, I did not compel the landlord to reveal the identities of numerous complainants as the complaints included reports of the combative nature of the tenant, bullying and multiple fights involving him.

Section 75 of the Act provides that:

75 The director may admit as evidence, whether or not it would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the director considers to be

- (a) necessary and appropriate, and
- (b) relevant to the dispute resolution proceeding.

Analysis (continued from Interim Decision)

While the tenant largely dominated the 25-minute reconvened hearing, he gave little in the way of reasons as to why the Notice to End Tenancy should be set aside, and no corroborating evidence to nullify submissions by the landlord, his wife and daughter, and his staff.

In addition, I found more than sufficient evidence to end the tenancy in the landlord's verbal testimony and letter of April 20, 2012 to the tenant to warrant the Notice to End.

The letter cited numerous police calls to the rental property involving the tenant, numerous complaints of erratic and confrontational behaviour and failed attempts to resolve matters through cooperation. The landlord's verbal testimony included reports of fights, the need to bar the tenant from a manufacturing office on the rental property, and incidents in which his wife and daughter had felt the need to retreat to behind locked doors after routine business encounters with the tenant.

Accordingly, I find on the preponderance of evidence that the tenant:

1. Significantly interfered with or unreasonably disturbed other occupants or the landlord, and
2. Seriously jeopardized the safety or lawful rights of other occupants or landlord.

Therefore, I declined to set aside the Notice to End Tenancy of April 24, 2012.

On hearing that determination, the landlord requested an Order of Possession pursuant to section 55(1) of the *Act* which compels the issuance of the order on the landlord's oral request when the tenant's application to have the notice set aside is dismissed and/or the notice is upheld.

As the effective date of the Notice to End Tenancy was May 31, 2012, I find that the Order of Possession should take effect two days from service of it on the tenant.

Conclusion

The tenant's application is dismissed without leave to reapply.

The Notice to End Tenancy of April 24, 2012 is upheld.

The landlord's copy of this decision is accompanied by an Order of Possession to take effect two days from service of it on the Tenancy.

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.
