



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      O

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an order that the tenancy has become frustrated and to end the tenancy.

The Landlord alleges the Tenants caused a flood in the rental unit, and alleges this has frustrated the tenancy agreement. He alleges one of the Tenants has left the rental unit already.

The Landlord became interruptive and rude while I was trying to explain that this was not a frustrated contract situation. He was continually argumentative throughout the proceedings. He alleged I was being rude, when in fact I continually had to talk over him in order to be heard.

I explained to the Landlord that a tenancy agreement is not frustrated when one of the parties is alleged to have been at fault. A frustrated contract may only occur if neither party is at fault, and the contract is incapable of being performed by either of the parties.

Therefore, I dismiss the Application for Dispute Resolution of the Landlord.

The tenancies will continue until ended in accordance with the Act. The Landlord was cautioned about ending these tenancies without lawful authority to do so.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 17, 2012.

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Residential Tenancy Branch