



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with an application by the tenant seeking an order to set aside a One Month Notice to End Tenancy for Cause. 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, 2010. Rent in the amount of \$810.00 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 \$397.50.

The landlords' agents gave the following testimony:

The subject tenants have been a nuisance in the building since moving in. The tenants have been warned verbally and in writing numerous times about their behaviour. The landlords have received multiple complaints by phone, in person and in writing from other tenants. The subject tenants continually make noise throughout the day and night. The tenants are always fighting and slamming doors. The police have attended to this unit 2-3 times per month since the tenants moved in and most recently attended six times in one week all due to noise and disturbance complaints. The landlords issued a

One Month Notice to End Tenancy for Cause on April 2, 2013 with an effective date of May 31, 2013.

The tenant gave the following testimony:

The tenant stated that the landlords are “out to get us”. The tenants’ female roommate has emotional issues that she has been working on very hard to correct. “The landlords are picking on her because of her disabilities”, and have some guy “working with them and for them to get us out”. The subject tenant stated that things have gotten better since “that guy moved out, but was here five minutes before this hearing to start something up with us”. The tenant stated that he is amenable to moving out as long as the landlords give him a good reference.

Analysis

When a landlord issues a notice under Section 47, the landlord must provide the basis for the cause of issuing that notice. It is clear from the documentary and testimonial evidence provided by the landlord that the tenants have significantly interfered with and unreasonably disturbed another occupant or the landlord. The tenant gave testimony that was neither compelling nor relevant to the issues before me. The tenant kept referring to matters that were not applied for and that he did not submit any documentary evidence to support his allegations. The tenant disputed some of the claims by the landlord but proposed that as long as he could have a good reference he was willing to move. The tenant gave contradictory and inconsistent testimony.

Based on the above the landlord’s oral application for an order of possession pursuant to Section 55 of the Act is granted. 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 Notice issued on April 2, 2013 an effective date of May 31, 2013 remains in full effect and force.

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: May 07, 2013

Residential Tenancy Branch

