



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Nacel Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OPC

### Introduction

This was a hearing with respect to applications by the tenant and by the landlord. The tenant applied to cancel a one month Notice to End Tenancy for cause and the landlord applied for an order for possession pursuant to the same Notice. The hearing was conducted by conference call. The tenant and the landlord's representative called in and participated in the hearing.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled or is the landlord entitled to an order for possession?

### Background and Evidence

The landlord's representative testified at the hearing concerning the problems that led the landlord to serve the tenant with a one month Notice to End Tenancy for cause on June 18, 2013. The Notice required the tenant to move out by July 31, 2013. The landlord's representative testified that the tenancy began in October, 2011. The landlord conducts regular inspections of the units in the rental property and it has been noted that the cleanliness and upkeep of the tenant's apartment has deteriorated over time. The landlord's representative said, as an example, that the bathroom became so dirty that the maintenance worker was unable to perform repairs in the tenant's bathroom. The tenant has been warned that he must do a better job of keeping the rental unit clean and neat.

The landlord's representative testified that the tenant has caused noise problems. During the daytime the tenant has played music from his balcony area that has been so loud that it has disturbed other residents in the neighbourhood and generated complaints to the landlord. She said that the tenant has improved since the Notice to End Tenancy was given to him.

The landlord's representative testified that the tenant has had visitors to the building who have caused problems and damaged the rental property. There was a concern that some of the tenant's visitors were drug dealers. The landlord has now learned that the tenant receives daily deliveries of prescription medications. The landlord has concerns that the tenant does not properly identify visitors before he allows them into the building.

When the tenancy began the tenant was assisted by an organization supporting the hard to house known as the ACT team. The landlord's representative has spoken to members of this organization. She was told that they are there to assist the tenant, but have had difficulty communicating with the tenant. The tenant said that he has had trouble getting the organization to respond to his phone calls

#### Analysis and conclusion

The landlord's representative testified at the hearing that the landlord is prepared to withdraw the Notice to End Tenancy, but it is doing so based on the tenant's acknowledgment that he must keep his apartment properly clean, avoid disturbing neighbours with loud music and be careful to ensure that he properly screens visitors and does not allow anyone into the rental property who may be a threat to the security and well being of the residents of the rental property.

The tenant agreed at the hearing that he will follow the landlord's requirements and keep the rental unit properly clean. The tenant should contact the ACT team for assistance. If the tenant does not keep his rental unit in a clean and orderly condition or if he disturbs the quiet enjoyment of other occupants, the landlord is at liberty to serve another Notice to End Tenancy for cause. Based on the landlord's agreement to withdraw the Notice to End Tenancy and the tenant's agreement to abide by the reasonable requirements of the landlord, this matter has been settled and the tenancy will continue until ended in accordance with the *Residential Tenancy Act*

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: August 02, 2013

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Residential Tenancy Branch

