

Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hume Investments Ltd. and [tenant name suppressed to protect privacy]

DECISION

<u>Dispute Codes</u> CNC, O

Introduction

This is an application filed by the Tenant to cancel a notice to end tenancy issued for cause.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence of the other party, I am satisfied that both parties have been properly served.

The Landlord's Agent stated that they wished to end the tenancy and obtain an order of possession.

Issue(s) to be Decided

Is the Tenant entitled to an order cancelling the notice to end tenancy? Is the Landlord entitled to an order of possession?

Background and Evidence

Both parties confirmed that the Tenant received a 1 month notice to end tenancy issued for cause dated September 30, 2013. The notice displays an effective date of October 31, 2013. The notice also shows that 3 reason for cause were selected. During the hearing, the Landlord clarified that there was no illegal activity and that the third reason for cause was selected in error. The two reasons for cause are:

-Tenant or a person permitted on the property by the tenant has: Significantly interfered with or unreasonably disturbed another occupant or the landlord. Seriously jeopardized the health of safety or lawful right of another occupant or the landlord. Page: 2

The Landlord states that the 1 month notice to end tenancy dated September 30, 2013 was issued for a series of events. The Landlord states that on September 1, 2013 the Tenant notified the Landlord of a broken beer bottle in the courtyard and then stated, "Then she began to tell me about the people above her, how noisy they are, they are after her and know her every move, it's driving her crazy, etc,..." The Landlord also state that on September 5, 2013 the Tenant, T.B. attended to complain about the people on the roof again. "they are following her every move, know everything that she is doing..." The Landlord also refers to September 11, 2013 when the Tenant, T.B. was in the parking lot screaming and yelling...

The Tenant, G.P. states that T.B. was under the influence of prescription drugs and was having an unusual reaction to the prescriptions that she recently received. The Tenant, G.P. states that T.B. has since been detoxed from these prescription drugs and has been home for approximately 1 week from the hospital with no incident.

The Landlord disputes this stating that the Tenant, G.P. recently over the weekend uttered verbal threats and harassment to them. The Tenant disputes this. The Landlord states that police did attend, but that no action was taken by the police.

The Landlord also states that the Tenant, T.B. was seen on September 26, 2013 at the rental property, "it was noticed and other residents reported that T.B. of #316 was seen entering the building...this was unexpected considering, G.P. has told other residents and us that she was in the hospital and would remain there until at least the end of October...during her time in the building, the doors on the third floor stairwell were heard being slammed. Another resident couple reported that on the same day September 26, 2013, the woman from #316 as in the parkade looking for a bag of clothes, searching everywhere and was agitated and verbally upset...the residents found her behaviour odd and disturbing and were reminded of the outburst so many of the residents witnessed on September 11, 2013."

<u>Analysis</u>

I find that as both parties have confirmed in their direct testimony that the Tenant was served with a copy of the 1 month notice to end tenancy issued for cause dated September 30, 2013 that the Tenant has been properly served.

I find on a balance of probabilities that I prefer the evidence of the Landlord over that of the Tenant. The Tenant, G.P. in his direct testimony was at times contradictory and confusing. The Landlord has established grounds for reasons for cause for significantly interfering with or unreasonably disturbing another occupant or the landlord. The

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Landlord has shown that the Tenant's outbursts are not just a one time occurrence, but has repeated even after warnings of eviction followed. The Tenant's Application to cancel the notice to end tenancy is denied. The Landlord is granted an order of possession. This order must be served upon the Tenants. Should the Tenants fail to comply, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The Tenant's Application is denied.

The Landlord is granted an order of possession.

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: November 20, 2013

Residential Tenancy Branch