



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 to have a One Month Notice to End Tenancy for Cause set aside. 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 October 1, 2013. Rent in the amount of \$825.00 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 \$412.50.

The landlord gave the following testimony:

The landlord stated that the tenant has multiple people living in the unit. The landlord stated at the outset of the tenancy the subject tenant took the unit on the understanding that he would be taking on a roommate in the future. The landlord stated that he had no issue with the tenant taking on a roommate as long as he provided him with all the necessary information and some references. The landlord stated that the tenant has had as many as five people staying in the suite at any given time, none of which were authorized by him.

The landlord stated that he personally observed unknown parties using the laundry facilities and when he inquired who they were they stated that they were living in the subject unit; the landlord had not approved or was aware of these individuals. The landlord stated that he personally observed these unknown persons accessing the building and its facilities with their own keys, none of which he issued.

The landlord stated that he spoke to the subject tenant numerous times and warned him about taking on roommates without providing their information to him. The landlord reiterated that he had no issue if the tenant wanted to take on a roommate but he did have an issue with five people living in the unit without approval. The landlord stated that he received numerous verbal and written complaints from tenants about “strangers” coming and going into the subject unit. The landlord stated complaints ranged from noise, disturbing the peace at all hours of the night, damage to the laundry facility, suspected drug trafficking, and prohibiting the quiet enjoyment and safety of other tenants.

The landlord also had concerns with the condition of the unit and that the tenant had disconnected the smoke detector. The landlord stated that he made numerous attempts to work with the tenant to have him correct his behaviour and the situation only to have the tenant accuse the landlord of harassment. The landlord stated that the tenant did not wish to communicate with him any further. The landlord orally requested an order of possession and seeks to have the notice upheld to terminate the tenancy.

The tenant gave the following testimony:

The tenant stated that his daughter had to move in due to an emergency. The tenant stated that he had a friend move in for awhile but he moved out in mid December. The tenant stated that the landlord was incorrect in his allegation that five people lived there. The tenant stated that “only four people live here”. The tenant stated that the smoke detector is very sensitive and it goes off when he cooks. The tenant stated that he pulled it down from the ceiling and covers it with plastic when he cooks. The tenant stated that he does not feel he should have to provide personal information to the

landlord about his family or roommates. The tenant stated that he is unhappy at this location and will move out in four months.

Analysis

When a landlord issues a notice under Section 47 of the Act the landlord must provide evidence to support the issuing of the notice. The landlord issued the notice on several grounds, they are: 1) The tenant has allowed an unreasonable number of occupants in the unit/site 2) The tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord 3) and put the landlords property at significant risk.

In the tenants own testimony he acknowledged the warnings of the landlord but disregarded them. The tenant acknowledged that he had taken in his family members and friends without notifying the landlord or providing any of their information.

The tenant further acknowledged that he has four people living in the unit. The tenant also acknowledged tampering with the smoke detector and that he had not notified the landlord of its sensitivity. In his testimony the tenant acknowledged multiple people coming and going over this short tenancy. It was clear during the hearing that the tenant did not feel that he needed to abide by his obligations under the Act or the tenancy agreement and felt that any inquiries about his behaviour was harassment. Based on the tenants own testimony and acknowledgement of not abiding by the written tenancy agreement or the warnings of the landlord I find that the tenant does have an unreasonable amount of occupants in his unit and the One Month Notice to End Tenancy for Cause remains in full effect and force.

Based on the above facts I find that the landlord is entitled to an order of possession. 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. As the tenant has already paid the rent for the month of February the order of possession will take effect at 1:00 p.m. on February 28, 2014.

The tenant has not been successful in his application.

Conclusion

The landlord is granted an order of possession. The tenants' application is dismissed.

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: February 17, 2014

Residential Tenancy Branch

