



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application to cancel a notice to end tenancy for cause. The tenant and three agents for the landlord participated in the teleconference hearing.

At the outset of the hearing, the tenant confirmed that he had received the landlord's evidence and the landlord confirmed that they had received the tenant's application. The tenant submitted late documents comprised of five previous decisions of the director that all dealt with applications to cancel notices to end tenancy for cause. The landlord was only able to confirm at the time of the hearing that they had received these late documents. I informed the parties that I would consider these decisions as part of the tenant's final submissions; however, I am not bound by previous decisions of the director and I would make my decision based on application of the Residential Tenancy Act to the evidence presented in this matter.

The parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Is the notice to end tenancy valid?

If so, is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on October 1, 2013. The rental unit is a suite in a 16-suite building.

On December 24, 2013, the landlord served the tenant with a notice to end tenancy for cause. The notice indicated that the reasons for ending the tenancy were that the tenant or a person permitted on the property by the tenant has (1) significantly interfered with or unreasonably disturbed another occupant or the landlord; (2) seriously jeopardized the health or safety or lawful right of another occupant or the landlord; and (3) put the landlord's property at significant risk.

### *Landlord's Evidence*

The landlord stated that since the tenant moved in to the building, they have received complaints about the tenant from several other occupants. The other occupants have complained about the tenant's guests, who appear to be underage, drug-addicted street workers, and these guests appear to be involved in solicitation and drug activities in the building.

In support of the notice to end tenancy, the landlord submitted letters from two of the building's occupants. In both letters, the occupants describe seeing two different young girls, on different occasions, coming and going from the tenant's unit. One of the occupants also complained in her letter that she had been woken up in the middle of the night on several occasions by the tenant banging in his suite, which is directly below hers. She wrote that it sounds like someone bumping hard into the walls or falling hard on a floor.

During the hearing the landlord orally requested an order of possession effective February 28, 2014.

### *Tenant's Response*

The tenant submitted that the two letters submitted by the landlord should be disregarded because the witnesses did not attend the hearing to provide testimony and be available for cross-examination. The tenant also stated that the landlord had not submitted any photographic or video evidence. He stated that the female who attended his unit was not a prostitute, she was a 35-year-old bartender. It was not clear from the tenant's testimony whether he was referring to one or more female guests, as he also stated that "they" were not prostitutes, and "they dress like that so they can get tips." At one point in the hearing the tenant stated "when young girls show up... no, my younger friend..." The tenant stated that his mother passed away in December 2012, and he was feeling down, so "the girls come to cheer me up." He reiterated that "these children were not underage," and "prostitution is not illegal in Canada."

In regard to the banging on the walls, the tenant stated that there were nails sticking out of the floor in his unit, and he complained to the landlord but they did nothing about it. He stated that he tripped on the nails and banged against the walls to prevent himself from falling down.

### Analysis

I find that the notice to end tenancy is valid. I prefer the evidence of the landlord over that of the tenant, as the tenant's testimony was contradictory and lacked credibility. I find that the tenant was banging loudly in his apartment in the middle of the night on several occasions, and in doing so he unreasonably disturbed another occupant. I do not find the tenant's explanation of the banging noises to be likely. The tenant did not provide any supporting evidence, such as photographs or requests for repairs, to establish that there were nails sticking up out of the floor.

As I uphold the notice to end tenancy and the landlord orally requested an order of possession in the hearing, I am required under the Act to grant the order of possession.

### Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective February 28, 2014. 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.

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 14, 2014

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Residential Tenancy Branch

