



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Ian Angus Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OPC, FF

### Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession. The tenant has filed an application 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 either party entitled to any of the above under the Act, regulation or tenancy agreement?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about November 1, 2008. Rent in the amount of \$310.00 is payable in advance on the first day of each month. The landlord stated that the tenant has been problematic for about a year. The landlord stated that the tenant has parked a vehicle and a camper that blocks a portion of the main road in the park. The landlord stated that on the morning of April 7, 2014 the tenant sent harassing and threatening text messages. The landlord said that the messages were directed at his son who manages the park. The landlord stated that the local police attended three times that night to caution the tenant to cease sending these messages. The landlord stated the police have an open file on this matter. The landlord stated that the tenant was involved

in another altercation four days ago with a neighbor in the park and that the police attended again. The landlord stated that he is fearful of the tenant and that his threatening behaviour is escalating. The landlord stated that he seeks an order of possession.

The tenant gave the following testimony:

The tenant stated that the matter of the vehicle and camper has been resolved. The tenant stated that the camper has been moved and that the vehicle has been sold and will be picked up today. The tenant acknowledged the text messages and stated that he was sorry. The tenant stated that "he had a few too many that night and regrets his behaviour". The tenant stated that he was upset and was acting "out of character". The tenant stated that on June 6, 2014 he drove into his driveway when he heard the neighbor yelling and screaming at him. The tenant stated he just waited in his truck and didn't say a word to the neighbour. The tenant stated that the neighbour called the police. The tenant stated that police spoke to him and then left.

### Analysis

When a landlord issues a notice under Section 47 they bear the burden of providing evidence to support the issuance of the Notice. The landlord issued a One Month Notice to End Tenancy for Cause on April 7, 2014 with an effective date of May 31, 2014. The notice was issued on the grounds that the tenant significantly interfered with or unreasonably disturbed another occupant or landlord.

Both parties gave testimony and provided documentation for consideration for this hearing. The tenant sent threatening text messages using foul vulgar language. The tenant was visited three times by the local police to stop his behaviour. In the tenants own testimony he admitted the allegation. The tenant stated that he was an innocent bystander in the most recent incident. I did not find the tenants testimony to be compelling. The tenant would offer a version of the events and then when asked a question would offer a different version. The tenant was contradictory and inconsistent. Based on all of the above and on the balance of probabilities I am satisfied that the

tenancy is to be terminated. The notice is confirmed and remains in full effect and force. 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 paid for this months' rent, and due to the timing of this hearing and administration of the decision, the order of possession will take effect at 1:00 p.m. on June 30, 2014.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

#### Conclusion

The landlord is granted an order of possession and a monetary order for \$50.00.

The tenants' application is dismissed 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 *Manufactured Home Park Tenancy Act*.

Dated: June 10, 2014

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Residential Tenancy Branch

