



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Firview Apartments  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

### Issue to be Decided

Should the notice to end tenancy be set aside?

### Background and Evidence

The parties agreed that on April 11, the landlord served on the tenant a one month notice to end tenancy for cause (the "Notice"). The Notice alleges that the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has, or is likely to, adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord testified that he has received numerous complaints about the tenant having disturbed other tenants. He stated that on April 10, the tenant was arrested for having assaulted another occupants of the building and provided a written statement from the other occupant. He further provided written statements from other occupants in which they complained that the tenant and his roommate were creating a disturbance, playing music loudly, using foul language and threatening other tenants and causing dogs to bark.

The tenant denied having caused any problems in the building and claimed that the other occupant assaulted him first, requiring him to defend himself. He testified that he had a roommate who was dealing drugs and causing problems with other tenants, but he had recently evicted that roommate and anticipated that there should be no further problems.

### Analysis

The landlord bears the burden of proving that there are grounds to end the tenancy. The landlord alleged that the tenant or a person permitted on the property by the tenant has engaged in illegal activity that has adversely affect the quiet enjoyment, security, safety or physical well-being of other occupants. The landlord must therefore prove both that the alleged activity is illegal and that it adversely affected other occupants.

The tenant acknowledged that his roommate, who is a person permitted on the property by the tenant, was dealing drugs and that this activity was adversely affecting other occupants. Because the tenant made this admission, I have no choice but to find that the landlord has grounds to end the tenancy. Although the tenant has since evicted his roommate, the fact remains that a person permitted on the property by the tenant adversely affected the quiet enjoyment of other occupants.

Even if the tenant had not made this admission that his roommate was engaged in illegal activity that caused a disturbance, I would have ended the tenancy as I find on the balance of probabilities that the tenant himself is causing other occupants to lose quiet enjoyment by uttering threats. Several occupants wrote to say that the tenant had threatened them and one occupant stated that he had been assaulted by the tenant. The tenant did not deny that he had been charged by the police with assault. I find it unlikely that several occupants would have similar stories if there were not some truth behind it. I find it more likely than not that the tenant has uttered threats, which I find to be illegal, and that it has caused other occupants to lose quiet enjoyment of their units.

For these reasons, I decline to set aside the Notice and I dismiss the tenant's application in its entirety. The Notice remains in full force and is effective to end the tenancy.

### Conclusion

The application is dismissed and the tenancy is ended in accordance with the Notice.

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: June 16, 2014

---

Residential Tenancy Branch

