



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This was the hearing of an application by the tenants to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

### Issue(s) to be Decided

Should the Notice to End Tenancy dated July 12, 2014 be cancelled?

### Background and Evidence

The rental is an apartment in Chilliwack. The tenant initially agreed to rent a one bedroom unit in the landlord's apartment complex but shortly after moving into a one bedroom unit, moved into the current unit, which is a two bedroom apartment. The tenant has lived in the unit with her adult son since June 1, 2014.

On July 12, 2014 the landlord served the tenants with a one month Notice to End Tenancy for cause by posting it to the door of the rental unit. The Notice to End Tenancy alleged that the tenants had allowed an unreasonable number of occupants in the unit. The Notice to End Tenancy also claimed that the tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord. The landlord also said in the Notice that the tenant had engaged in illegal activity that had adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord, who is the resident manager of the rental property, testified that the female tenant lives in the rental unit with her adult son who is 35. He said that it was originally agreed, as recorded on the tenant's application form, that her son would only be living with her for a month, until other accommodation was ready for him to move in,

but a few weeks after the tenant moved in she moved into a two bedroom apartment and her son has stayed in the rental unit. The landlord testified that there is a problem with undesirable visitors who come to the rental unit at all hours of the day and night. The landlord said that he some of the visitors are drug users who are well known in the community. There have been a number of complaints from other occupants about excessive noise from the rental unit and people ringing the buzzer to get into the building at all hours of the day and night. In a written complaint, one occupant said that people were coming and going from the rental unit to a well known nearby crack house. There were also complaints that people are yelling out the male tenant's name from the parking lot in order to get his attention. The landlord testified that there have been several thefts of bicycles and a scooter from the rental property by persons coming to and from the rental unit. The landlord has received a number of complaints from other long term residents who are disturbed by the tenants. He submitted written requests to have them evicted.

The tenant denied that there was an agreement that her son would move out after one month. She said that the landlord agreed that her son could stay as a tenant when she moved into a two bedroom unit; as she put it: "the landlord agreed to give him another chance." The tenant acknowledged during the hearing that disruptive people have been coming to the rental property, but she denied that her son was a drug user, or that he was responsible for thefts from the rental property. She said that she replaced a scooter belonging to one of the residents that had been stolen by a visitor to the rental unit. The tenant said that there were some visitors who were troublesome, but she has discouraged them from coming to the rental unit.

The landlord said that he wanted an order for possession requiring the tenants to move out because they and their visitors were disruptive and causing his other tenants to consider moving out.

### Analysis

Based on the testimony of the landlord and the statements provided from other occupants of the rental property, I am satisfied that the male tenant and persons permitted on the rental property by the tenants have disturbed other occupants; I accept the testimony of the landlord that items have been stolen from the rental property and there has been a high traffic of undesirables attending the rental property to see the male tenant, suggestive of drug related activities. I find that the landlord had ample cause to issue the one month Notice to End Tenancy for cause. I deny the tenants' application to cancel the Notice to End Tenancy and I dismiss the tenants' application without leave to reapply.

## Conclusion

Section 55 of the *Residential Tenancy Act* provides as follows:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,
- (a) the landlord makes an oral request for an order of possession, and
  - (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenants' application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective September 30, 2014 after service upon the tenants. This order may be registered in the Supreme Court 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: September 24, 2014

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Residential Tenancy Branch

