



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PHS COMMUNITY SERVICES SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, CNC

Introduction

This hearing dealt with cross applications. In the Landlord's Application for Dispute Resolution the Landlords sought an Order for Possession based on a 1 Month Notice to End Tenancy For Cause issued July 23, 2014 (the "Notice"). In the Tenants' Application for Dispute Resolution, the Tenant sought an Order cancelling the Notice.

The Applicant Tenant did not appear at the hearing. Conversely, the Landlords' agent, N.L., appeared at the hearing.

The hearing was by telephone conference call and was to begin at 1:00 p.m. on October 23, 2014. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was N.L.

As the Applicant Tenant did not attend the hearing by 1:10 p.m., I dismiss the Tenant's Application without leave to reapply.

N.L. gave affirmed testimony and was provided the opportunity to present the Landlords' evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlords to an Order of Possession?

Background and Evidence

N.L. testified that the tenancy began March 7, 2014. N.L. testified that the building in which the rental unit is located is a residence for extremely hard to house occupants.

On July 23, 2014 the Landlord issued a 1 Month Notice to End Tenancy for Cause

Introduced in evidence was a copy of notes which appear to have been recorded in the residence's log book (the "Log Book"). Notes in the Log Book from May 2014 indicate the Tenant had chained his door shut from the inside, which N.L. testified is in violation of the Tenant's tenancy agreement.

N.L. testified that the Landlords were aware that the Tenant had a history of collecting/hoarding and stated that the Tenant agreed at the start of the Tenancy that he would not collect bikes and gas powered engines, which had been his preferred items to collect. N.L. testified that shortly after the tenancy began, the Tenant, contrary to his agreement, began collecting bikes. Notes in the Log Book from July 4, 2014 indicate the Tenant had at least 8 bikes hanging from the sprinkler system. Further notes indicate that Tenant was provided a written warning on July 5, 2014 regarding the danger posed from hanging bikes on the sprinkler system and in this letter, the Landlord offered assistance to help the Tenant and confirmed the Landlord wished to find a way to cooperate with the Tenant to assist him in removing items to ensure that the rental unit was safe.

On July 22, 2014, the Tenant assaulted another occupant of the residence with a pool cue. Submitted in evidence was video footage which depicted the assault.

N.L. testified that the Landlords make their best efforts to accommodate hard to house tenants such as the Tenant in the present case, but that violence is not tolerated.

The Landlord issued the Notice to End Tenancy for Cause on July 23, 2014 with an effective date of August 31, 2014 (the "Notice"). The Reasons cited for issuing the Notice were as follows

- The Tenant or a person permitted on the property by the tenant has:
 - Significantly interfered with or unreasonably disturbed another occupant or the landlord;
 - Seriously jeopardized the health of safety or lawful right of another occupant or the landlord; and,

- Put the landlord's property at significant risk.
- 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; and
 - Jeopardized a lawful right or interest of another occupant or the landlord.
- The Tenant has not done required repairs of damage to the unit/site.

The Tenant made an Application for Dispute Resolution on September 3, 2014 in which the Tenant sought to cancel the Notice as well as requesting the opportunity to view the aforementioned videotape. While I have dismissed the Tenant's application, N.L. wished to note that the Tenant was provided an opportunity to view the video at the residence.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant did not attend the hearing and his Application is Dismissed.

After considering all of evidence and oral submissions submitted at this hearing, I find that the Landlords have provided sufficient evidence to show that the Tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

I find that the Landlords are entitled to an Order of Possession; N.L. requested that the Order be effective October 31, 2014 to allow the Tenant more time to vacate the rental unit, and accordingly I grant his request. The Order of Possession shall be effective **at 1:00 p.m. on October 31, 2014**. This Order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant's Application is dismissed. Furthermore, the Landlords have established cause to end the tenancy.

The Landlord is granted an Order of Possession.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: October 23, 2014

Residential Tenancy Branch

