



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was sufficiently served on the Tenant. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated November 26, 2014?

### Background and Evidence

The tenancy began in 2007. The present rent is subsidized and the tenant pays \$180 per month in advance on the first day of each month.

The landlord seeks to end the tenancy based on the following ground(s):

### Grounds for Termination

The Notice to End Tenancy relies on section 47(1)(d) of the Residential Tenancy Act.

That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

...  
(d) the tenant or a person permitted on the residential property by the tenant has

...  
(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or

The landlord presented the following evidence:

- The tenant suffers from Alzheimer's, can no longer take care of herself on the basis of independent living and needs to transition to a higher level of personal home care.
- On many occasions the tenant is seen wandering through the common areas in a confused and uncertain state.
- In November 2014 she defecated in the common area. Her son was asked to clean the carpets but failed to do so. The carpets were cleaned by the landlord at a cost of \$180.
- In April 2013 the tenant thought someone was walking on the roof and she attempting to silence them by banging a tennis racket on the roof. In the process she broke a heat detector causing the fire alarm to activate and the fire department to attend.
- The tenant has been seen spitting on the floor and placing soiled Kleenex under cushions of the couches in the common areas.
- The tenant has been seen throwing items from her balcony including a knife and garbage.
- Strong odors of poor personal hygiene come from her rental unit.

The tenant disputes much of the landlord's evidence. He stated Vancouver Coastal Health has told him she is still able to live in an unassisted apartment. He stated that incidents complained of are on an individual basis and not a consistent behavior.

Neither party provided medical evidence as to the condition on the tenant.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement as follows:

- a. The parties mutually agree to end the tenancy on March 31, 2015.
- b. The parties request the arbitrator issue an Order for Possession for that date.

**As a result of the settlement I issued an Order for Possession effective March 31, 2015.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: January 06, 2015

---

Residential Tenancy Branch

