



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Sea to Sky Ventures Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing.

I have given the parties and their witnesses the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties and the witnesses.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not to uphold or cancel a Notice to End Tenancy that was given for cause.

### Background and Evidence

On December 31, 2014 a one-month Notice to End Tenancy was posted on the tenant's door giving the following reasons for ending the tenancy:

- tenant or person permitted on the property by the tenant has:
  - significantly interfered with or unreasonably disturb another occupant of the landlord
  - seriously jeopardize the health or safety or lawful right of another occupant or the landlord
- 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 of the landlord
- jeopardize the lawful right or interest of another occupant or the landlord
- breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

I will deal with the issues one at a time starting with the claim that the tenant or person permitted on the property by the tenant has significantly interfered with or unreasonably disturb another occupant or the landlord.

The landlords are alleging that the tenants have unreasonably disturbed the other occupants of the Manufactured Home Park with an ongoing pattern of loud arguments and aggressive behavior.

The landlord further stated that the tenants have been warned about this behavior however the aggressive and disruptive behavior continues.

Both the landlords and the landlord's witnesses testified to personally witnessing loud arguments between the applicants, aggressive rages with frequent obscenity and name-calling, intervention by the police, and one witness testified that the applicant threatened to burn down their home while they were sleeping.

The witnesses testified that they live in fear of leaving their homes due to the rage and threatening behavior displayed by the male tenant.

The applicants testified that they feel this Notice to End Tenancy should be canceled as they too feel unsafe in the park, having had their cat shot with the BB gun, and rocks thrown at their vehicles.

The applicants testified that they have had some very loud arguments but only in their home and due to some medical problems. They fail to see how their arguing in their own home can be disturbing the other tenants of the Manufactured Home Park.

The male applicant also admitted that he did angrily chase down and yell at a person who turned around on his property, not on the road and he was angry because he believes it was an unsafe thing for him to have done.

The witnesses for the applicants stated that they do not find the applicants to be excessively aggressive nor have they displayed any violent or unreasonable behavior when they have been present.

### Analysis

It is my finding that the applicants have significantly interfered with and unreasonably disturb the other occupants of the Manufactured Home Park.

The applicants have admitted to having loud arguments, and although they believe their behavior should not have disrupted the other occupants of the Manufactured Home Park, it is my finding that the evidence has shown that the behavior has been very disruptive for the other occupants.

Further although the witnesses for the applicants state they've never witnessed any aggressive behavior on the part of the applicants, that does not mean that that behavior has not been witnessed by numerous other occupants of the Manufactured Home Park.

Further I accept the testimony of the numerous witnesses and the landlord that the male tenant has acted in an unreasonably aggressive manner towards other occupants and it is my finding that it's unreasonable for the other occupants to have to put up with this kind of behavior.

Therefore having found that the applicants have significantly interfered with or unreasonably disturb the other occupants of the Manufactured Home Park, it is my finding that the landlords do have reasonable grounds to end this tenancy and I will not set the Notice to End Tenancy aside.

Having upheld the Notice to End Tenancy on the ground of significant interference or not unreasonable disturbance, there is no need for me to make a finding on any of the other reasons given on the Notice to End Tenancy.

The request for recovery of the filing fee is denied.

### Conclusion

The application to cancel the one month Notice to End Tenancy dated December 31, 2014 is dismissed without leave to reapply. I also dismiss the request for recovery of the filing fee.

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: March 10, 2015

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Residential Tenancy Branch

