



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0849226 BC Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

ET, FF

### **Introduction:**

This Hearing was convened to consider an application by the Landlord on August 27, 2015, seeking to end this tenancy early pursuant to section 49 of the Act. Both parties signed into the teleconference, gave affirmed testimony and had an opportunity to respond to the other party's evidence. The Hearing process was described and any questions answered.

The witnesses gave affirmed evidence and each party was provided with the opportunity to cross examine and respond to the evidence presented by the other party's witness(s).

In addition to the issue before me, a Notice to End Tenancy for Cause was issued on July 31, 2015 (the Notice), which will be dealt with in a separate dispute resolution hearing on October 20, 2015. I explained to the parties that I will not be making any findings with respect to that Notice.

### **Preliminary Matters:**

The Landlord's Application for Dispute Resolution was amended to reflect the correct name of the Tenant.

It was also determined that the Respondent KS is an agent of the Landlord and therefore the Application was amended to reflect that fact.

### **Issue to be Determined:**

Should the tenancy end early pursuant to the provisions of Section 49 of the Act?

### **Background and Evidence:**

A copy of the tenancy agreement between the Landlord and MF, deceased, was provided in evidence. The agreement is dated May 13, 2009, and commenced July 1, 2009. Pad rent is \$325.00 per month, due on the first day of each month.

MF is SF and JF's mother. MF rented out her manufactured home to JF.

The Landlord's agent DC stated that JF moved into the manufactured home on the rental site approximately 4 and ½ years ago. DC testified that initially JF was "an awesome person" but that he started drinking and doing drugs, which has led to problems with his behaviour and aggression towards others.

The Landlord's witness AS provided testimony with respect to an incident that occurred on June 18, 2015, prior to the Notice being issued. She testified that JF was a friend of her husband's. JF came to their home and started banging on her door, demanding that he be allowed to use their vehicle. She stated that JF "would walk in and out of our house and wake up our kids". AS testified that JF was "always driving drunk around the Park". She stated that she did not call the police and that she moved out of the Park on June 20, 2015, as a result of this incident.

DC stated that since the Notice was issued, there have been further incidents involving JF. On August 15, 2015, DC testified that JF's guest was walking around the Park, talking loudly and carrying an open bottle of alcohol. The Landlord's witness ML stated that at 1:30 a.m. on August 16, 2015, JF woke him by banging on his window and threatening him. The RCMP were called, but the "file is closed". ML stated that JF "brings in friends who are criminals who park in our spots". He stated that he wants JF to "leave us alone". He also stated that he felt badly for AS because of an altercation between her and JF that lasted for 3 days.

DC testified that he has had three complaints about loud music coming from JF's trailer. The Landlord provided copies of Warning Letters in evidence.

SF stated that JF only re-acts to DC's aggression because DC picks fights with him. She stated that JF is a good man and that he does not want to move. SF provided letters of character reference for JF.

KS stated that JF was a "bomb about to go off" and that he "drives Doug's truck around the trailer park, drunk". KS stated that the police are still investigating

DC expressed dismay that the hearing with respect to the Notice could not be scheduled before October 20, 2015.

JF testified that AS was fighting with her husband, not him.

**Analysis:**

Ending a tenancy early is reserved for the most specific and urgent reasons. In making an application for an early end to this tenancy, the Landlord has the burden of proving that there is cause for ending the tenancy, such as:

“(a) the tenant or a person permitted in the manufactured home park by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
  - (A) has caused or is likely to cause damage to the landlord's property,
  - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park, or
  - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the manufactured home park, and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the manufactured home park, to wait for a notice to end the tenancy under section 40 [*landlord's notice: cause*] to take effect.”

I am satisfied that there **may** be cause to end this tenancy pursuant to Section 40 of the Act; however, I am not satisfied that the Landlord has met the burden of showing that it would be unreasonable or unfair for a one month Notice to End Tenancy to take effect. The Warning Letters provided by the Landlord, are with respect to the following incidents:

Feb 13/12: MF, re JF: "Riding of snowmobile in trailer court is not allowed. Your tenant has had many warning by Landlord and Police. Police were also called on Feb 11 2012 about drinking and riding snowmobile in park."

May 1, 2015: Estate of MF "has people living that not approved. Roommate must move in 2 days." (2 copies of this letter)

May 4, 2015: Estate of MF "cars on road have warned many time."

May 16, 2015: SF "causing a disturbance late at nite and his guest rude #8 have three complaint." (2 copies of this letter)

May 18, 2015: SF "having people live at home without approval."

July 12, 2015: Estate of MF "lighting fire with fire band in place for province."

July 12, 2015: Estate of MF "lighting fire with provice wide fire bans."

[reproduced as written]

None of these alleged incidents outlined above occurred after the Landlord issued the Notice. I find that the Landlord's evidence with respect to incidents which are alleged to have occurred after July 31, 2015, is vague and not of a nature that I would consider it to be unfair to the Landlord or other occupants to wait for a notice to end tenancy for cause to take effect.

### **Conclusion:**

The Landlord's application is **dismissed**.

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: September 28, 2015

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Residential Tenancy Branch

