



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Introduction:

This hearing dealt with an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for orders as follows:

- a) To cancel a Notice to End Tenancy for cause pursuant to section 40;

SERVICE

The Notice to End Tenancy for cause is dated August 17, 2015 to be effective September 30, 2015. I accept that the tenant was personally served with the Notice to End Tenancy and that he personally served the Application for Dispute Resolution hearing package on the landlord.

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is cause to end the tenancy and that they are entitled to an Order of Possession? Or is the tenant entitled to any relief?

Background and Evidence:

Both parties and witnesses attended the hearing and were given an opportunity to be heard, to provide evidence and make submissions. It is undisputed that the tenancy commenced June 1, 2006 and rent is currently \$850 a month.

The Notice to End Tenancy was a one month notice given for cause pursuant to section 40 of the Act. The landlord stated the causes were

- a) significant interference of the peace and reasonable enjoyment of other tenants and the landlord by the tenant's guests' behaviour;
- b) behaviour that seriously jeopardizes the health and safety of other residents; and
- c) illegal activity of him and/or his guests which adversely affects the peace and reasonable enjoyment of other tenants and the landlord.

The landlord described how there were loud, late parties at the tenant's home and she put two letters in his mailbox in August warning about the contravention of the park rules and the negative effect on the neighbours. A witness testified to seeing these letters put into the tenant's mailbox although he said he did not receive them. The

landlord said there appeared to be a stream of sex trade workers using the tenant's unit and alcohol was a big factor at the parties. She said the Police had been at the park many times concerning the tenant's guests and the other residents feared for their safety and security. The maintenance person testified to finding needles and syringes around the area of the tenant's home and said this was of grave concern to parents as this was a family park. The manager said they have been receiving 10 to 15 calls a day from single women who are close neighbours but they are afraid to testify. However, she obtained 4 letters and oral testimony of two neighbours and the maintenance person.

The tenant said his wife had died and he had become involved with the wrong people but they are all gone now. The neighbour beside him said in evidence that he has no problem with the tenant but his guests are a serious issue. On one occasion they ransacked his car. He said he still sees two of the offenders around the tenant's unit. He said he signed the park rules prohibiting excess noise, drinking and drugs by him or guests and he expects his neighbour to abide by the rules also.

The manager said there were many previous problems and when she tried to explain the current 30 day Notice to End Tenancy to the tenant, he slammed the door and walked away. She requests an Order of Possession.

In evidence are the Park Rules, Police file numbers and reports, the Notice to End Tenancy and neighbour letters. The tenant provided no documents in evidence.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

The onus is on the landlord to prove on a balance of probabilities that they have good cause to end the tenancy. I find the landlord has satisfied the onus. I find the weight of the evidence is that this tenant and/or his guests are significantly disturbing the peaceful enjoyment of other tenants or the landlord and seriously jeopardizing their health, safety and lawful rights. I find the evidence is that loud parties and alcohol and drug use associated with the tenant's guests is significantly disturbing the tenant's neighbours and making them fearful for their safety. Police involvement and some evidence of criminal history of the tenant's guests also contribute to their unsafe feeling.

Although the tenant said the disruptive guests are not there anymore, I find his evidence inconsistent with that of his neighbour. Also when the neighbour mentioned two names,

the tenant gave some reasons why they were still there. I dismiss the Application of the tenant to set aside the Notice to End Tenancy.

I find section 40 of the Act and also the Park Rules provide that this behaviour of the tenant and/or his guests is good cause to end the tenancy. The tenancy is at an end on September 30, 2015. As the landlord requested an Order of Possession in the hearing, pursuant to section 48 of the Act, I grant an Order of Possession effective November 30, 2015 as agreed in the hearing.

Conclusion:

I dismiss the Application of the tenant to set aside the Notice to End Tenancy. No filing fees were involved. I grant an Order of Possession effective November 30, 2015 as agreed in the hearing.

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: October 07, 2015

Residential Tenancy Branch

