



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding North Park Manor  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This is an application brought by the tenant requesting an Order canceling a Notice to End Tenancy that was given for cause.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

### Issue(s) to be Decided

The issue is whether or not the landlords have grounds to end the tenancy.

### Background and Evidence

The landlords testified that the tenant is aggressive and abusive and has left numerous aggressive/abusive voice messages on their answering machine.

The landlord's further testified that in one of the voice messages the tenant can clearly be heard stating that she will kill someone.

The landlord further stated that, as can be heard in the recorded messages from the tenant, the tenant is also making numerous racial slurs and promoting racial hate.

The landlord is therefore request that the Notice to End Tenancy be upheld and an Order of Possession be issued.

The tenant originally testified that she never threatened to kill anyone, however after the landlords replayed the voice recording in which the threat is made the tenant testified that it is her in the voice recordings provided by the landlord; however she only threatened to kill someone because she believes the landlord's actions will kill her.

### Analysis

It is my finding that the landlords have shown that the tenant has engaged in illegal activity that is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

In the voice recordings provided by the landlord, the tenant can be clearly heard stating that she will kill someone, and since the recording was directed at the landlord, and the recordings also include numerous racial slurs towards other occupants of the rental property is reasonable to assume that this threat has been made towards the landlord or another occupant of the rental property.

Threatening to kill someone is in itself illegal and sufficient reason for me to uphold this Notice to End Tenancy, pursuant to section 47(1)(e) of the Residential Tenancy Act. P

This application to cancel a Notice to End Tenancy is therefore dismissed, and pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession to the landlords.

Conclusion

The tenant's application has been dismissed in full without leave to reapply and I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

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: December 16, 2015

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Residential Tenancy Branch

