



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

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

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 to cancel or uphold a Notice to End Tenancy that was given for cause.

Background and Evidence

The parties agree that on December 6, 2015 the tenant was personally served with a one-month Notice to End Tenancy stating the following reasons:

- Tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturb 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 well-being of another occupant or the landlord.

First of all, the landlord stated that she is not implying that the applicant is engaged in any illegal activity, and that that particular box was mistakenly checked off on the Notice to End Tenancy.

The landlord testified however that the tenant has been harassing another occupant of the rental property and on one occasion was pounding on the other tenants door for an extended period of time, in an attempt to get a television from him.

The landlord further testified that when the other tenant failed to return the television to her, she took it upon herself to stand up on a chair in the hallway and turn off all the breakers and power to the whole house, unreasonably disturbing all the tenants in the rental property, and not just the tenant she was attempting to affect.

The landlord further testified that the tenant who had the TV, came out of his room to find out what was going on and inadvertently knocked the applicant off the chair, and as a result the applicant had him charged with assault, and he is now unable to return to his rental unit due to a no contact order.

The landlord stated that she believes these applicants actions were unreasonable and asks that the Notice to End Tenancy be upheld, and that an Order of Possession be issued.

The tenant testified that she was having a dispute with another tenant over a television which she had lent to him, because he would not return it when she requested he do so. She did not however repeatedly pound on his door she simply knocked on his door requesting return of the TV, and he refused.

The tenant further testified that she at times does do some foolish things, and therefore she did stand up on a chair and turn off all the circuit breakers in the rental property, because she wanted to make sure this other tenants television would be turned off.

The tenant further testified that the tenant, who had her television, came out of his room and purposely pushed her off the chair, and he was later charged with assault, and that is why he is no longer able to have any contact with her.

Analysis

It is my finding that the applicant's actions did unreasonably disturb the other occupants of the rental property. It is not reasonable to turn off the electrical power to the whole rental property thereby affecting everyone in the property simply because you are having a dispute with one of the occupants of the property, and in fact it would not be reasonable to turn off even that one person's power.

Therefore I will not be canceling the Notice to End Tenancy and have issued an Order of Possession to the landlord for two days after service on the tenant.

I understand that the tenant is alleging that she was assaulted by the other tenant, and although I certainly do not condone an assault, this alleged assault is alleged to have occurred after the tenant had already unreasonably disturbed the other occupants of the rental property by turning off the power.

Conclusion

This application to cancel a Notice to End Tenancy has been dismissed and pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession to the landlord.

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: February 02, 2016

Residential Tenancy Branch

