



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

OLC

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for an Order for the landlord to comply with the *Residential Tenancy Act (Act)*, regulations or tenancy agreement.

The tenant and landlord attended the conference call hearing, and were given the opportunity to be heard, to present evidence and to make submissions. The tenant provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The landlord confirmed receipt of evidence. I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

Is the tenant entitled to an Order for the landlord to comply with the *Act*?

### Background and Evidence

The parties agreed that this tenancy started in November, 2014. This was a verbal agreement between the parties that the tenant shall rent this unit and share common areas with other tenants. Rent is \$375.00 per month plus \$25.00 towards utilities.

GL testified that the landlord has not protected his right to quiet enjoyment of his rental unit. GL wants the landlord to evict another tenant under s. 56 of the *Act*. GL testified that the other tenant CF has uttered threats against GL and the police were called in either late

2015 or early 2016. The threats continued after that time. CF is aggressive towards GL and swears and yells at him for minor things. CF has threatened to bash GL's head in and to bash his door down. GL referred to his digital evidence which shows a small example of the aggressive behaviour exhibited by CF. GL testified that he is unable to have a civilised conversation to resolve anything with CF without CF losing his temper.

GL testified that the landlord has asked CF not to interact with GL and he will stop for a short while but is set off by some situations so GL is left feeling stressed always wondering what will start CF off again. GL testified that he is not the only tenant that CF yells out. Another tenant left the unit because of CF's abusive behaviour and that tenant has written a statement which GL has provided in evidence.

GL wants an Order for the landlord to protect his right to quiet enjoyment.

The landlord testified that he understands that there has been a problem between the tenants. He took CF out for coffee and asked him not to yell at the other tenants. The landlord testified that since then he has followed up with GL and CF and they both agreed that CF has not yelled at anyone. The landlord testified that he has been proactive in trying to find out what has been going on in the unit. He went to the police to ask them about visits to the unit and asked CF's girlfriend LT. The police officer said that they are all adults and should not be fighting. Since more than a week ago each time the landlord has asked the tenants they have said everything is fine.

The landlord testified that CF sometimes talks loudly but he is not dangerous. Sometime GL creates the situation by burning food in the kitchen or leaving rotten food in the fridge. OGL has parked his vehicle too close to CF; he has also parked unauthorised trailers on the property and had homeless people living in them. CF had concerns about this because their electric was higher. The landlord testified that he has also received complaints about GL from other tenants.

The landlord calls his witness CF. CF is the other tenant involved in the altercations. CF testified that the tenant's evidence is misleading concerning the police card presented. The

police officer informed GL that GL's claim was bogus and no police officers have ever spoken to CF. CF testified that GL put a For Sale sign on the bumper of CF's truck and instigated that altercation between them. A month ago when the landlord asked GL he told the landlord that they had not spoken for a month. The last time there was a confrontation was in March, 2016 now they just stay out of each other's way. CF testified that if in the future he has any problems with GL he will not confront him he will just take it directly to the landlord to avoid confrontation.

The landlord calls his second witness LT. LT testified that she is the girlfriend of CF. There was a confrontation when GL was looking in the window at LT. It was LT that confronted GL but GL denied it and said he had just been leaning on his car. GL put a For Sale sign on CF's truck and in doing so he instigated a confrontation and CF is only trying to defend himself.

The tenant agreed that there have only been minor confrontations since March, 2016. It was LT who called the police and said he had been looking in her window the police came out but closed the case. LT has also been confrontational.

The landlord testified that he has tried to do everything to keep the peace but is frustrated with all the complaints and calls he receives. The tenants are making the landlord's life a living hell by living together and the landlord does not want fighting in his house.

### Analysis

I have carefully considered all the evidence before me, including the sworn testimony of both parties and witnesses. The tenant seeks an Order for the landlord to comply with the Act and protect the tenant's right to quiet enjoyment. Having heard all the testimony presented today I find that both tenants have instigated confrontations that result in angry words being spoken. I am not prepared to find that the landlord has not complied with the Act in protecting this tenant GL's right to quiet enjoyment. I find the landlord has an obligation to protect all tenants' rights to quiet enjoyment and is being placed in a difficult position when both tenants create confrontational situations.

I caution the tenant that he must avoid all confrontational situations with the other tenant. If situations arise where the other tenant cannot be avoided then the tenant should make a formal complaint in writing to the landlord. The landlord can then take any necessary action against one or both tenants to protect any other tenant's rights. I am not persuaded that all the confrontations are instigated by CF but rather that an equal amount are potentially also instigated by GL. When tenants live in such close proximity and have to share common areas they must be respectful of each other's belongings and space. I find the landlord has taken appropriate steps to determine the cause of these confrontations and has dealt with them appropriately.

### Conclusion

The tenant's application is dismissed without leave to reapply

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: July 19, 2016

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Residential Tenancy Branch