



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRST UNITED CHURCH SOCIAL HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPC

Introduction

In the first application the tenant seeks to cancel a one month Notice to End Tenancy dated July 7, 2016 given for cause.

In the second application the landlord seeks an order of possession pursuant to that Notice.

The parties were able to resolve this matter at the hearing.

The conduct giving rise to the Notice is the conduct of the tenant's sons, Mr. R.B. and Mr. J.B. and Ms. L.I., Mr. R.B.'s partner. These three people are fully named as Designated Persons on the unpublished cover page of this decision.

The conduct of the Designated Persons while on the premises has resulted in thefts, violence, disturbance and disruption. It has caused significant interference with and the unreasonable disturbance of other occupants in this 70 unit apartment building and the landlord and its employees.

The parties agree that it is fundamental to the continuation of this tenancy that the tenant not permit, assist or condone the presence of any of the three Designated Persons on the residential property; not in her bachelor suite, nor in the building nor on the surrounding land composing the residential property.

The tenant agrees, and by consent, I order that;

The tenant not permit any of the Designated Persons to be in her rental unit at any time, for any reason.

The tenant not permit, encourage or assist the entry to the building of any of the Designated Persons at any time, for any reason.

The tenant not communicate, converse or interact with any of the Designated Persons on the residential property at any time, for any reason, other than by telephone or electronic means.

The parties agree that in light of the serious disturbance associated with the presence of any of the Designated Persons on the residential property, this agreement and accompanying order form a fundamental and material term of the tenant's tenancy agreement, even the most minor breach of which will entitle the landlord to give the tenant a Notice to End Tenancy and, in appropriate circumstances, to apply for an early end of the tenancy.

At hearing it was indicated that the Designated Person Mr. J.B. is the subject of a court order requiring him to reside at the tenant's address. It was my view that is a matter between Mr. J.B. and the court and does not affect the agreement and order made here. It will be the responsibility of Mr. J.B. himself to have the court alter or amend the order to account for the prohibition set out in this decision.

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: August 24, 2016

Residential Tenancy Branch