



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC FF

Introduction:

Both parties attended the hearing and gave sworn testimony. The One Month Notice to End Tenancy for cause is dated September 14, 2017 to be effective October 31, 2017 and the tenant confirmed it was served personally to her. The landlord confirmed he received the tenant's Application for Dispute Resolution hearing package by registered mail. I find the documents were legally served pursuant to sections 81 and 82 of the Act. The tenant applies 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;

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is good cause to end the tenancy? Or is the tenant entitled to any relief?

Background and Evidence:

Both parties attended and were given opportunity to provide evidence and make submissions. The Notice to End Tenancy is a one month notice given for cause pursuant to section 40 of the Act. The causes stated are that the tenant or a person permitted on the property by the tenant has

- (a) Significantly interfered with or unreasonably disturbed another occupant or the landlord;
- (b) Seriously jeopardized the health, safety or lawful right of another occupant or the landlord.

The landlord provided evidence that he had given the tenant a warning letter in August 2016 for unreasonable disturbance of the neighbouring tenants with very disruptive noise and wild driving by persons leaving her unit. It noted that if there were further complaints a Notice to End Tenancy would be issued. The landlord noted that he continued to get verbal complaints about this tenant and her guests and then in September 2017, neighbours complained of a loud party and the tenant had a friend leave at 12:40 a.m. driving a very loud Harley motorcycle. It kicked up gravel and some neighbours complained about the foul language used by the rider to them when they

opened their windows and asked for some quiet. At 3:30a.m. that same night, neighbours were disturbed by people outside yelling and cursing.

Other incidents reported in letters from immediate neighbours included blasting music, the tenant's truck driving too fast and squealing tires, boys partying in the unit and fighting and screaming at 2:30a.m. Some neighbours note their concern that some child will be hurt by the vehicles visiting the tenant's unit and driving much too fast.

The landlord included a copy of the park rules signed by the tenant which note there is to be no unreasonable noise, including loud parties or music between 11 p.m. and 8 a.m. He notes the number of vehicles of visitors to the tenant's unit and them arriving or leaving very noisily late at night and driving too fast have been seriously disturbing the neighbours, many of whom have shift work. Lack of sleep is impairing their physical well being.

The tenant agreed her friend's Harley bike was noisy and particularly on that night as she "wiped out" on it and had to come back. Her boyfriend picked her up later in his truck which contributed to the noise. However, she said that was the only incident since she got the warning letter in August 2016. The landlord said the written complaints contradicted this. He said he also had many verbal complaints since August but the tenant has been promising to sell her trailer so he did not actively pursue the complaints until now.

After discussion of the evidence, the parties agreed that an Order of Possession effective June 1, 2018 was fair. This would allow the tenant time to sell her trailer. She is just having the electrical inspection completed now to do that.

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

Analysis:

Order of Possession

I find that the landlord is entitled to an Order of Possession. I find the weight of the evidence is that the landlord has good cause to end the tenancy. I find the behaviour of the tenant and persons permitted on the property by her have significantly interfered with and unreasonably disturbed other occupants of the trailer park. I find their health has been seriously jeopardized by lack of sleep from the noise of parties, vehicles and fighting after midnight originating at the tenant's trailer.

As agreed by the parties, an Order of Possession is issued effective June 1, 2018. The landlord said this should allow sufficient time for the tenant to sell her trailer as planned.

Conclusion:

I dismiss the application of the tenant without recovery of the filing fee due to lack of success. The tenancy ended on October 31, 2017. I find the landlord is entitled to an Order of Possession effective June 1, 2018 as agreed.

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: December 06, 2017

Residential Tenancy Branch