



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS GROUP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

The tenant applies to cancel a one month Notice to End Tenancy dated and received November 30, 2018. The Notice alleges that the tenant or a person she has permitted on the premises has: 1. Significantly interfered with or unreasonably disturbed another occupant or the landlord or seriously jeopardized the health or safety or lawful right of another occupant or the landlord or put the landlord's property at significant risk and, 2. That the tenant has engaged in illegal activity that has or is likely to damage the landlord's property or adversely affect the quiet enjoyment, security or physical safety or well being of another occupant or has jeopardized a lawful right or interest of another occupant or the landlord.

Both parties attended the hearing, the landlord by its representative Ms. G.. and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

Does the evidence show that the tenant has committed any of the infractions listed in the Notice to End Tenancy?

Background and Evidence

The rental unit is a single room occupancy accommodation. The parties are uncertain about the date of the start of the tenancy but it was around 2005. They are uncertain about the rent but it is between \$425.00 and \$450.00 per month, paid direct by a government agency.

At the start of the hearing, while dealing with preliminary issues, the tenant admitted that she had pulled the building fire alarm twice, thrown a fire extinguisher down a hallway, struck another tenant and pulled the electrical breakers for the building. The tenant informed the

hearing that she had been off her medication for bipolar disorder and had a behavioural outburst.

Before the landlord was called on to give evidence to justify the Notice, the tenant left the hearing to go up to her room (she was apparently calling from the landlord's office) and retrieve documents related to the hearing. She would not agree to a brief adjournment of five, ten, fifteen or twenty minutes to do so. She left the hearing and did not return within the following twenty minutes.

The landlord's representative opined that the tenant was likely scared. She confirmed the tenant had been put in touch with an advocate and had spoken to an advocate prior to the hearing.

Analysis

Despite this unfortunate circumstance, it was my determination that the hearing should proceed. The evidence admitted to by the tenant as well as a brief inquiry into the evidence submitted by the landlord (security camera footage of the tenant trying to kick in an apartment door) satisfies me that the tenant's conduct has been such as to significantly interfere with and unreasonably disturb other tenants, jeopardize their health and safety and put the landlord's property at significant risk.

Conclusion

I dismiss the tenant's application. In accordance with s. 55 of the *Residential Tenancy Act*, the landlord will have an order of possession.

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: January 18, 2019

Residential Tenancy Branch