



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC, CNC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the One Month Notice to End Tenancy for Cause (the "One Month Notice"), pursuant to section 47; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions. The parties confirmed that they exchanged their documentary evidence.

### Issue(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Is the tenant entitled to an order to compel the landlord to comply with the *Act*, regulation or tenancy agreement?

### Background and Evidence

The landlord gave the following testimony. The landlord testified that he issued a One Month Notice to End Tenancy for Cause dated August 31, 2020 with an effective date of September 30, 2020. The landlord testified that the tenant has been difficult from the outset of the tenancy. The landlord testified that the tenant wanted numerous changes made in the suite and property shortly after moving in. The landlord testified that the tenant was unhappy that garbage bins were near her unit; even though it was thirty feet from her door. The landlord testified that small issues like the garbage bins became a

major issue for the tenant. The landlord testified that she would often video the upstairs tenants and would make comments that upset them. The landlord testified that the upstairs tenants “had to walk on eggshells” around the tenant for fear of reprisal. The landlord testified that the tenant has put his business at risk as the upstairs tenants may move as a result of the tenant.

The tenant gave the following testimony. The tenant testified that she has no hard feelings towards the landlord or the tenants. The tenant advised that she is looking for a new place and has a good feeling about one that she’s applied for. The tenant testified that she felt like she wasn’t being heard by the landlord as he had no objectivity as he was “tight” with the upstairs tenants. The tenant testified that she wanted respectful interactions with the upstairs tenant’s but felt they were rude to her and not mindful that they had a neighbor living below them. The tenant is hoping for a peaceful resolution to this matter.

### Analysis

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

Neither party submitted the page that reflects the grounds to which the notice was issued, however; both gave affirmed testimony that the notice was issued for the following reason:

### ***Landlord's notice: cause***

***47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:***

*(d) the tenant or a person permitted on the residential property by the tenant has*

*(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,*

The hearing proceeded and completed on that basis. When a landlord issues a notice under Section 47 of the Act, they bear the responsibility in providing sufficient evidence to support the issuance of that notice. The landlord gave testimony that the upstairs tenants have become “gun shy” to even speak with the tenant as she has been difficult and aggressive in her behaviour since she moved in. The landlord testified that the

tenant has been so aggressive that the two children living in the upstairs unit have become fearful of her and opined “why does she hate us?”

When given the opportunity to refute this testimony, the tenant was more content on discussing peripheral issues such as yard access and the crawl space and not directly addressing the landlord’s testimony. The landlord was clear, concise and credible. He gave detailed testimony that it has become increasingly difficult to deal with the tenant. The landlord testified that the tenant’s behaviour has even affected his business as the upstairs tenants have advised that they might move out if the tenant remains. Based on the above, and on a balance of probabilities, I find that the landlord has provided sufficient evidence to end the tenancy.

Pursuant to section 55 of the *Act*, I grant an Order of Possession to the landlord which should be served on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

### Conclusion

The landlord is granted an order of possession. The tenancy is terminated. The tenant’s application is dismissed in its entirety 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: October 19, 2020

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Residential Tenancy Branch