



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and to suspend or set conditions on the landlords right to enter the premises.

I note the tenant filed a copy of a One Month Notice to End Tenancy for Cause, issued on February 7, 2021, as evidence. I find it reasonable to concluded that the tenants made an error in their application by selected the wrong notice to end tenancy. Therefore, I find it reasonable to amend the application to reflect the notice to end tenancy that is before me, the One Month Notice to End Tenancy for Cause.

Only the landlord's agent appeared. The agent testified that the tenancy has now legally ended. The landlord stated that the tenant on or about March 29, 2021, caused significant damage to the premises by arson. The landlord stated that the fire started during the night when their family was asleep in the upper portion of the home.

The landlord stated that they had received prior threats from the tenant that they would hurt them and burn the home down. However, because those threats were sent by text message the police, would not act on them. The landlord stated the tenant has been charged criminally with arson in relation to inhabited property under section 433(1) of the Criminal Code and is not to be anywhere near their residence or family. Filed in evidence is a copy of the Release Order.

In this case, I find that the tenancy legally ended when the tenant caused significate damage to the property that made in unlivable, due to a fire. The landlord now has possession of the property back and is protected by a court order. Therefore, I find it not necessary to consider the merits of the notice to end tenancy.

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: May 20, 2021

Residential Tenancy Branch