



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Page: 1

DECISION

Dispute Code: CNC

Introduction

The tenant sought to dispute a *One Month Notice to End Tenancy for Cause* (the "Notice") pursuant to section 47 of the *Residential Tenancy Act* (the "Act").

A dispute resolution hearing was held (by teleconference) at 11:00 AM on October 27, 2022 and the landlord and the property manager attended the hearing. The tenant did not attend the hearing, which ended at 11:06 AM.

Issue

Is the tenant entitled to an order cancelling the Notice?

Background and Evidence

The landlord testified that he issued the Notice on May 30, 2022. A copy of the Notice was in evidence. (It is noted that, while the tenant filed an application to dispute the Notice, he never served the Notice of Dispute Resolution Proceeding on the landlord.)

The landlord testified that the issues that led to the Notice were the tenant's violence toward both him and other tenants. There is also lots of illegal drug use occurring. The landlord affirmed under oath that the details as described on page two of the Notice are an accurate narrative, and they are as follows:

The tenant in question had engaged in illegal drug usage, resulting in several verbal warnings ranging from 5:00 AM too late in the evening of May 29 of 2022. The tenant started to become violent throughout the day and ultimately started to come increasingly violent towards the property manager till I had to result in calling the police trying to get him help. He then barricaded his door and started to show more violent in cohesive behavior which resulted in unacceptable behavior an upsetting disturbing the entire apartment complex with said behavior.

Analysis

In this case, the Notice was issued under three grounds, one of which was under section 47(1)(e) of the Act whereby “the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that [...] has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property.”

The landlord’s undisputed, sworn testimony and documentary evidence persuades me on a balance of probabilities that the tenant has engaged in illegal activity (both illegal drug use and violence towards both the landlord and other tenants of the property) that has adversely affected the quiet enjoyment, security, safety and physical well-being of the landlord and other occupants of the residential property. As such, it is my finding that the reason for the landlord issuing the Notice is valid and the tenant’s application to cancel the Notice is dismissed.

Pursuant to section 55(1) of the Act, having dismissed the tenant’s application and having upheld the Notice, the landlord is hereby granted an order of possession of the rental unit. An order of possession is issued with this Decision to the landlord.

Conclusion

The tenant’s application is dismissed without leave to reapply and the landlord is granted an order of possession of the rental unit.

The landlord must serve the order of possession on the tenant.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: October 27, 2022

Residential Tenancy Branch