



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNC FF

Introduction

Having heard the evidence of the parties and witnesses, under affirmation, and having given the parties the opportunity to give their evidence orally and to provide written and documentary evidence, and to cross-examine the other party and witnesses, and to make submissions to me, I have determined:

Issue(s) to be Decided

This is a request to have a Section 47 Notice to End Tenancy cancelled.

Background and Evidence

The landlord and the landlord's witnesses testified that they are frequently disturbed by noise from the applicant's rental unit at all hours of the night.

They further testified that there is a large number of people coming and going from the applicants rental unit at all hours and that the applicants guests are frequently disruptive and frequently leave used syringes in the building.

One of the landlords witness testified that the applicant/tenant and his invited guests are so loud that he and his children are frequently awoken by the noise.

The landlord also stated that the rental unit was rented out for single occupancy only and the applicant's girlfriend is now living in the unit as well.

The applicant and his witnesses denied making any loud noise. The tenant further claims that the landlord just wants to get rid of him because the manager is mad at him for having the manager's girlfriend in his suite.

The applicant further testified that his girlfriend does visit but that she does not live in the rental unit.

The applicant also denied that there are numerous people coming and going from his suite at all hours and that he cannot control who comes into the building.

Analysis

It is my decision that I prefer the testimony of the landlord and landlord's witnesses in this matter. I find it unlikely that all the landlords' witnesses would all be fabricating evidence in a conspiracy with the landlord and building manager to get rid of this applicant.

Further although the applicants girlfriend testified that she did not live with the applicant, during her testimony she frequently made comments like "we seldom have visitors over" or "we don't have people coming and going at all hours", thus implying that this is a joint tenancy.

Conclusion

The tenant's application is dismissed and I have issued an Order of Possession to the landlord for 1:00 pm on December 31, 2008.

Dated: December 16, 2008