

Dispute Resolution Services

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

Decision

Dispute Codes: CNC, OC, FF

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and an order that the landlord comply with the Act. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Does the landlord have grounds to end the tenancy?

Background and Evidence

This is a tenancy of some 22 years. On July 14, 2009 the landlord served the tenant with a notice to end tenancy for cause (the "Notice"). The Notice alleged that the tenant or someone permitted on the property by the tenant had significantly interfered with or unreasonably disturbed another occupant and that the tenant or someone permitted on the property by the tenant had seriously jeopardized the health or safety or lawful right of another occupant. The parties agreed that on July 10, a guest of the tenant threatened a tenant in another unit with a knife. The perpetrator was arrested by the police at the rental unit. The tenant testified that the perpetrator was a guest of her daughter's and that she did not know that he would threaten anyone.

Analysis

I find that the landlord has established grounds to end this tenancy. The tenant is responsible for all of her guests or invitees and must take care to ensure that those guests do not behave in a manner that unreasonably disturbs or jeopardizes other tenants. There was no dispute that the tenant's guest threatened another tenant with a knife and I find that this event is sufficient to give the landlord grounds to end the tenancy. I dismiss the tenant's claim.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55, upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession effective September 30, 2009.

Dated September 10, 2009.