

DECISION

Dispute Codes CNC, O

Introduction

This hearing dealt with an application by the tenant seeking to have the Notice to End Tenancy for Cause set aside and an order to limit the access of the landlord to a garage. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the Notice to End Tenancy for Cause set aside?

Is the tenant entitled to an order to limit the access of the landlord to the garage?

Background and Evidence

The tenancy began on or about April 2006. Rent in the amount of \$622.00 is payable in advance on the first day of each month. Both parties provided documentary evidence.

The landlord testified to the following; the tenant had become increasingly “abusive, aggressive, annoying, and confrontational over the past 18 months”, he would often scream at the landlords in the presence of other tenants, he would yell and scream and threaten legal action against them if he was not compensated for a rat problem in the rental unit, the landlord offered an alternative unit for 10 days to properly deal with the rat issue however the tenant declined, the landlord would often rent that unit for \$250.00 per night, the landlord had provided traps to the tenant and sought the services of a professional pest control company, the tenant was storing items along the property and in the garage without permission from the landlord, and the landlords felt unsafe and feared for their safety when dealing with the tenant.

The tenant testified to the following; he only raised his voice because the landlord was hard of hearing and it was “frustrating” to deal with someone who would always say “what what what what”, he was speaking loudly and was upset because there were rats in his unit and felt the landlord did not deal with the rat situation in a manner that he felt was appropriate, he didn’t like the alternative living accommodation that the landlord offered to him as he felt it was dingy, old, outdated and unsuitable, he’s seeking an order to not let the landlord into their own garage because he feels that the landlord disturbs the rats and causes problems in his rental unit.

Analysis

The tenant provided some documentary evidence that was neither helpful nor relevant. In the tenants own testimony he confirmed the landlords position. The tenant did refuse alternative accommodations to allow the landlord to deal with the rat problem which the tenant testified was the cause of his frustrations and the reason for him yelling at the landlords. The tenant did not dispute his frustrations or his outbursts towards the landlord. The tenant stated on three occasions in the hearing that he was “in a bad way financially” right now and really wanted to have compensation for living with the rat problem. During his testimony the tenant would offer a version of the events and then when asked to clarify a specific point, he would offer another version. The tenant also contradicted himself when he proposed that no one should be allowed in the garage as it would aggravate the rat problem but then later would say that it would be fine for him to enter as he needed to access his belongings in the garage. I find the tenants testimony inconsistent and unreliable and do not accept it.

The landlord provided oral testimony and documentary evidence from other tenants to support their claim. Section 47 of the Act states that a landlord can give Notice to End Tenancy for Cause to a tenant if that tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property; I find that the tenant has breached this section of the Act.

Conclusion

The tenant's application is dismissed without leave to reapply.

The Notice to End Tenancy for Cause dated May13, 2011 remains in full effect.

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: June 23, 2011.

Residential Tenancy Branch