



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy that was given for cause, and request for recovery of the filing fee.

### Background and Evidence

The landlord testified that:

- Notice to End Tenancy has been given because this tenant's child is repeatedly bullying other children in the rental property.
- A serious incident occurred between the applicants child in a neighbour's child, in which the RCMP had to become involved.
- Since that incident the relationship between the tenants has broken down and in fact the RCMP has since been involved on two more occasions.

- The tenant's child is aggressive and abusive and as a result numerous other tenants signed a petition asking the management to deal with this problem.
- When she received a petition she requested further information from the tenants and as a result also received numerous complaint letters outlining the problems caused by this tenant's son.
- The tenant does not appear to be taking any steps to control her son and since this behaviour is seriously affecting the rights of the other tenants she has decided to end the tenancy.

The landlord therefore requests that the Notice to End Tenancy be upheld and that an Order of Possession be issued.

The tenant testified that:

- Her son was a friend of the child who lives next door and often they had sleepovers.
- An alleged incident occurred while her son was at a sleepover involving her son in the neighbours four-year-old daughter, and as a result the neighbours called the RCMP and got them involved.
- She feels it was inappropriate for the neighbours to get the RCMP involved and felt they could have worked out the problems themselves.
- As a result the relationship between her and the neighbours has deteriorated significantly to the point where there is a lot of anger between the parties, and because of that anger she decided to report the neighbours to revenue Canada.
- The neighbours also started to bully her son, and went around and got a petition signed against him.
- The neighbours who wrote letters complaining about her son have just taken sides with the other tenants and therefore she believes their letters are not accurate or fair.
- She does not believe that her son is any worse than any of the other children at the rental property and that the neighbours are just attempting to get rid of him as a bullying tactic.

The tenant therefore requests that the Notice to End Tenancy be cancelled and this tenancy continues.

### Analysis

It is my finding that the landlord has shown “on the balance of probabilities” that the applicant's son is unreasonably disturbing other occupants of the rental property and that the applicant has failed to take reasonable steps to control his behaviour.

The landlord has supplied numerous complaint letters from other occupants of the rental property that describe in detail the abusive behaviour of the applicant's son, and I do not accept the applicants claim that they are all just bullying her and her son.

Therefore since it seems clear that the applicant is unlikely to intervene and correct her son's behaviour, is my decision that this tenancy should end and I will not set aside the Notice to End Tenancy.

### Conclusion

This application is dismissed in full without leave to reapply and I have issued an Order of Possession to the landlords for 1 p.m. on July 31, 2011.

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: July 25, 2011.

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Residential Tenancy Branch