



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jabs Construction Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

Some 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.

Background and Evidence

The landlords testified that:

- They have had complaints from other tenants who were worried about the safety of their children due to the actions of the applicant.
- That on April 2, 2013 there was another disturbance caused by the tenant and as a result the police attended the rental unit.
- Due to these complaints and the disturbance they decided to end the tenancy and therefore on April 4, 2013 they serve the tenant with the Notice to End Tenancy that stated "Tenant or person permitted on the property by the tenant has significantly interfered with or unreasonably disturbing other occupant or the landlord."
- They request that the Notice to End Tenancy be upheld and that an Order of Possession be issued.

The tenant testified that:

- He was never told of any complaints by the other tenants at the rental property.
- The police have been to his rental unit twice, once on April 2, 2013 when he was having an argument with his roommate, he got very loud and the police attended to find out what the disturbance was.
- The police also attended on the second occasion on April 2, 2013, when he found out that he received a Notice to End Tenancy and again he got very angry with his roommate and again got very loud, which resulted in the police attendance.
- He does not think he should be evicted for disturbing the other tenants, as he has not had any complaints about having disturbed the other tenants prior to receiving the eviction notice.

Analysis

It's my decision that I will not cancel the Notice to End Tenancy and I will be issuing an Order of Possession to the landlord.

The tenant in his own testimony stated that he has on two occasions been so loud when arguing with his roommate that the police have had to attend, and therefore I find it very likely that the other occupants of the rental property were unreasonably disturbed by this tenant.

Conclusion

This application is dismissed in full without leave to reapply, and at the request of the landlords I have issued an Order of Possession for 1:00 PM on May 31, 2013.

I further order that the applicant pay the filing fee of \$50.00, which was previously waived, to the director of the Residential Tenancy Branch

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: May 09, 2013

Residential Tenancy Branch