



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC

### 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 landlords the opportunity to give their evidence orally.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled

### Background and Evidence

The landlords testified that the Notice to End Tenancy was given to the tenant for the following reasons:

- This is a non-smoking unit, however when a plumber that had been hired by the landlords entered the respondent's rental unit he found that there was a strong smoke smell in the rental unit.
- The tenant's son gave some information to the newspaper about the goings-on at the rental property and it is the landlord's belief that this information could only have come from the respondent.
- The respondent and a group of other tenants held meetings by the postal boxes and these meetings restricted access by other tenants to the postal boxes.

- The landlords were told by some of the other tenants that the people at these meetings had made derogatory comments about the other tenants.

Because of the above issues the landlords decided to give a Notice to End Tenancy to the applicant.

## Analysis

Without even hearing from the tenant, it is my finding that the landlords do not have sufficient evidence to end this tenancy. The burden of proving the reasons for ending the tenancy lies with the landlord and in this case the landlord has not met the burden of proving that the tenant or person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardize the health or safety or lawful right of another occupant of the landlord
- put the landlords property at significant risk

The landlords have presented little if any direct evidence to support their claim and the majority of the claim is based on hearsay evidence, which carries little weight.

## Conclusion

I hereby set aside the Notice to End Tenancy dated June 30, 2009 and this tenancy continues.

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*.



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Dated: August 25, 2009.

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Dispute Resolution Officer