



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on February 10, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

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

On February 1, 2012 the tenant was served with a one month Notice to End Tenancy that stated:

- Tenant or person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The applicant testified that:

- The landlord has told us that we were disturbing other occupants by fighting and by people coming and going, however we have not been fighting and there have not been a large number of people coming and going.

- We were coming and going quite often when we were moving into the rental property, as we made numerous trips with a shopping cart from our previous rental unit that was quite close by.
- Since completing our move we have not had a large number of people coming and going.

The applicants are therefore requesting that the Notice to End Tenancy be cancelled.

Analysis

The applicant/tenant has testified that she is unaware of any disturbances being caused by herself or her son and in the absence of any testimony from the landlord I have no way of knowing whether the reasons given on the Notice to End Tenancy are valid or not.

I therefore find in favour of the applicant.

Conclusion

The one month Notice to End Tenancy dated February 1, 2012 is hereby cancelled and this tenancy continues.

I further order that the respondent pay the filing fee of \$50.00, which was waived for the applicant, 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: February 28, 2012.

Residential Tenancy Branch