



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The applicant testified the respondent (who acts as agent for the strata corporation) served a one month Notice to End Tenancy on him on July 8, 2013. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the respondent by mailing, by registered mail to where the respondent carries on business on July 17, 2013. He also produced a document from Canada Post indicating that it was accepted for delivery on July 18, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated July 8, 2013?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began approximately 2 ½ years ago. The present rent is \$1600 per month payable on the first day of the month. The tenants paid a security deposit of \$800 and a pet damage deposit of \$300 at the start of the tenancy.

The tenant failed to produce a copy of the one month Notice to End Tenancy dated July 8, 2013. However it stated that the Notice was served by the respondent and it alleges the following grounds:

Grounds for Termination

The Notice to End Tenancy relies on section 47(1)(d) of the Residential Tenancy Act.

That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

...
(d) the tenant or a person permitted on the residential property by the tenant has
(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that

...
(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

Analysis

The respondent has the burden of proof to present evidence to establish sufficient cause to end the tenancy on the balance of probabilities. The respondent failed to attend the hearing and failed to present evidence. The applicant testified he served the respondent with a copy of the Application for Dispute Resolution/Notice of Hearing. The Notice of Hearing contains instructions as to how to phone in and participate in the conference call hearing.

As a result I ordered that the one month Notice to End Tenancy dated July 8, 2013 be cancelled. The tenancy shall continue with the rights and obligations of the parties

remaining unchanged. The applicant has been successful in this application. I order that the respondent pay to the applicant the sum of \$50 for reimbursement of the cost of the filing fee.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: August 20, 2013

Residential Tenancy Branch

