



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause.

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

The issue is whether or not to cancel a Notice to End Tenancy that was given for cause.

### Background and Evidence

The parties agree that on September 17, 2013 the tenant was personally served with the Notice to End Tenancy that stated:

- Tenant has engaged in illegal activity that has, or is likely to:
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
  - jeopardize a lawful right or interest of another occupant or the landlord

The landlord testified that:

- They checked off these boxes by mistake, as they are not alleging any illegal activity has occurred.

- They read where it states “adversely affects the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord” and thought that it applied in this case.

### Analysis

The box which was checked off by the landlord can only be used to end the tenancy when the tenant has engaged in illegal activity, and as that is not the case here, this is not a valid Notice to End Tenancy and this tenancy will continue.

### Conclusion

The one-month Notice to End Tenancy dated September 17, 2013 is hereby canceled and this tenancy continues.

I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore make a one-time deduction of \$50.00 from future rent payable to the landlord.

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: November 04, 2013

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Residential Tenancy Branch

