



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNC

This hearing dealt with an application by the tenant for an order to cancel a notice to end tenancy having an effective date of October 31, 2008.

The tenancy began in April, 2005. Currently, the tenant is paying a monthly rent of \$651.00 due in advance on the first of each month.

The landlords said that contrary to their tenancy agreement, the tenant had been smoking marijuana in his rental unit. They submitted three written notices dated December 27, 2007, June 4, 2008 and September 4, 2008 that were given to the tenant warning him to stop smoking marijuana. In addition, they submitted two letters from tenants living in rental units #103 and #212, both dated September 2008, stating that they had smelled marijuana smoke from the tenant's apartment. The landlords added that they had also given 4 verbal warnings to the tenant since December, 2007.

The tenant said that he had complied with the June 4, 2008 notice by not smoking marijuana after that date. He had no idea why others would accuse him of smoking it again.

The preponderance of the evidence led me to the conclusion that the landlord had established grounds to end this tenancy. The evidence of the witnesses was credible and one of the terms in the tenancy agreement dated April 4, 2005 was "No Marijuana smoking permitted".

For the reasons given above, I dismissed the tenant's application.

Dated October 08, 2008.