

DECISION

This is an application by the tenant to cancel a One (1) Month Notice to End Tenancy for Cause, issued January 15, 2009, with an effective date of February 28, 2009. The stated 'cause' in the notice is, "significantly interfered with or unreasonably disturbed another occupant or the landlord."

The solemnly affirmed testimony and undisputed facts in this matter are as follows:

The landlord claims that for some time now she has been dealing with the cross-complaints of the tenant and another neighbouring tenant. The landlord describes the conflict as between, "two strong-willed women". The landlord is not desirous of the continuing conflict between the women and has given the dysfunctional relationship her best effort at trying to resolve matters between them, to no avail. From all indications and evidence provided, the two tenants are equally problematic towards one another and to the landlord and are equally responsible for their persistent problems.

The landlord states she made a choice to evict the tenant whom, to date had provided the most issues for the landlord over the life of their tenancy. The subject tenant, primarily due to her seniority in the building, of course presented the landlord with the most issues over the life of her tenancy, when compared to the other tenant who has been in the building for a shorter time. The handfuls of 'other' issues brought forth by the landlord in the hearing were not identified as the 'cause' in this Notice to End the Tenancy, and the landlord did not meet their burden of proof. And for this reason, the One (1) Month Notice to End the Tenancy for cause, fails. The evidence shows that both tenants are equally responsible to mitigate their relationship issues for the benefit of one another and for the landlord.

I order that the One (1) Month Notice to End Tenancy for Cause dated January 15, 2009 is CANCELLED.

Dated March 02, 2009.