



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, & FF

Introduction

Having heard all the testimony of the applicant(s), under affirmation, and in the absence of any submissions from the respondent(s), although having been notified of the right to make such submissions I have determined:

Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled. The applicants are also requesting that the respondent bear the \$50.00 cost of the filing fee paid for this hearing..

Background and Evidence

The applicants testified that:

- They received a Notice to End Tenancy claiming that they were disturbing the other occupants of the rental unit.
- The incident was just a misunderstanding, as one of the tenants had inadvertently locked the other tenant out of the rental unit and then fallen asleep.
- The landlord had thought that they were having a fight but in fact the noise was just one tenants attempt to wake up the other, from outside the apartment.
- They did not intend to disturb other occupants of the rental unit and they don't believe they should be evicted because of this one incident.

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



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Analysis

The burden of proving the reasons for ending a tenancy lies with the landlord and in the absence of any evidence from the landlords in this matter it is my finding that the burden of proof is not that met.

Conclusion

I hereby Order that the section 47 Notice to End Tenancy dated May 6, 2009 is cancelled. I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct \$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: June 10, 2009.

Dispute Resolution Officer