



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

Some documentary evidence has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by Registered Mail that was mailed on May, 08 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled.

Background and Evidence

The applicant was served a Notice to End Tenancy as follows:

Section 47(1)

(d) the tenant or a person permitted on the residential property by the tenant has

Residential Tenancy Branch
Ministry of Housing and Social Development

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - (iii) put the landlord's property at significant risk;
- (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
 - (iii) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

The applicant testified that:

- He has done none of the things implied by his landlord and in fact it's his roommate who is the problem.
- The roommate is verbally abusive and makes frequent threats.
- He believes his notice has been given because he's been arguing with the abusive roommate.

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 met.



Dispute Resolution Services

Page: 3

Residential Tenancy Branch
Ministry of Housing and Social Development

Conclusion

I hereby Order that the section 47 Notice to End Tenancy dated April 29, 2009 is cancelled.

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