



# Dispute Resolution Services

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

## Decision

Dispute Codes: CNC OPC FF

## Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause, and an application by the landlord for an order of possession pursuant to the notice to end tenancy for cause. The tenant, an advocate for the tenant and two agents for the landlord participated in the teleconference hearing.

## Issue(s) to be Decided

Is the notice to end tenancy valid?

## Background and Evidence

The evidence of the landlord was as follows. The tenant has resided in the rental unit for three or four years. The tenant has repeatedly disturbed other occupants by knocking on their doors day and night in a state of apparent mental distress, asking for help because of imagined threats or dangers. Some of the other tenants suspect that the tenant has a problem with drug abuse. The police and ambulance have attended several times over the past two years. The tenant has a serious problem keeping her suite clean. The tenant has recently had a frequent guest who has left garbage and caused damage in the common areas of the building. The landlord has concerns that this individual is a thief. The landlord submitted a document containing the signatures of six other tenants in the building, who agreed with the landlord's outline of problems with the tenant.

On June 25, 2009 the landlord served the tenant with a one month notice to end tenancy for cause, citing the following as cause for ending the tenancy: the tenant or person permitted on the property by the tenant has (a) significantly interfered with or unreasonably disturbed another occupant or the landlord; (b) seriously jeopardized the health, safety or lawful right of another occupant or the landlord; and (c) put the landlord's property at significant risk.

The tenant's response was that she didn't know what the landlord was talking about. The landlord just doesn't like the tenant's guest. The testimony of the landlord mostly amounts to innuendo, and is not supported by evidence. The tenant never received any warning letters regarding any of these issues.

### Analysis

I find that the landlord has not provided sufficient evidence to establish cause to end the tenancy. The landlord did not provide individual detailed statements from other tenants, photographs depicting problems with cleanliness or damage to the building, or any written warning letters issued to the tenant to give her an opportunity to address any concerns of the landlord. I therefore find that the notice to end tenancy is not valid.

### Conclusion

The notice to end tenancy is cancelled, with the effect that the tenancy continues.

As the landlord's application was not successful, they are not entitled to recovery of the filing fee for the cost of their application.