



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes

CNC

### Introduction

This hearing dealt with an application by the tenant to dispute a one month Notice to End Tenancy for Cause. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

### Issues(s) to be Decided

Should the one month Notice to End Tenancy for Cause be set aside?

### Background and Evidence

This tenancy began on March 1, 2009. On June 17, 2009 the landlord served the tenant with a one month Notice to End Tenancy for Cause in person. The notice was dated June 23, 2009.

The landlord submitted that complaints have been issued regarding alleged behaviour activities of the tenant or the tenant's guests which has significantly disturbed the quiet enjoyment of other occupants and caused extraordinary damage to the rental unit. The landlord had no evidence to support these allegations.

The tenant submitted that he believes that another occupant is making the complaints in an attempt to have him evicted from the building. The tenant did not provide any explanation or evidence in support of this allegation.

### Analysis

I grant the tenant's application. The landlord has the burden of proving the claims that the tenant or a guest of the tenant has significantly disturbed other occupants or caused extraordinary damage. The landlord has not provided any evidence to support these claims.

In addition, the landlord has issued a notice to end tenancy five (5) days before the date the notice is dated and signed. I find that this is contrary to section 52 of the *Act* and find that it was not clear and therefore not enforceable.



# Dispute Resolution Services

Page: 2

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## Conclusion

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*. The tenant's application is granted and the tenancy will continue with full force and effect.

Dated: August 20, 2009.

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Dispute Resolution Officer