

DECISION

Dispute Codes: CNC

This hearing dealt with an application by the tenant to cancel the notice to end tenancy.

The tenancy began on December 1, 2008. Rent in the amount of \$417.00 is payable in advance on the first day of each month.

On August 5, 2009, the landlord served the tenant with a notice to end tenancy for cause. During the hearing, the landlord said that the tenant's teenage daughter, who is also living in the unit, has significantly interfered with and unreasonably disturbed other tenants in the building. Specifically, from February to mid July of 2009, the tenant's daughter had spat in the elevator. As well, on May 29 and in mid July, the tenant's daughter and her friend were screaming, shrieking, swearing and spitting from their balcony as late as 3 am. To support her claim, the landlord submitted 5 written complaints from 4 other tenants in the building and 4 warning letters dated February 26, March 26, April 16 and June 2, 2009. During the hearing, another tenant of the building, NW, testified and gave testimony regarding the spitting and the noise disturbances caused by the tenant's daughter.

The tenant did not dispute that 1) her daughter was caught spitting in the elevator in February 2009 and 2) the May 29 and mid July 2009 incidents regarding noise disturbances and spitting by her daughter did take place. She said that on March 21, her daughter was away for spring break and could not have spat in the elevator. The tenant also contended that other people in the building could have been spitting in the elevator.

The preponderance of the evidence has led me to conclude that the tenant's daughter had spat in the elevator and caused noise disturbances despite repeated warnings from the landlord. Accordingly, I find that the landlord has

established grounds to end the tenancy. I therefore dismiss the tenant's application.

Dated September 22, 2009.