



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

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 landlord served the Notice to End Tenancy as follows:

Tenant or a person permitted on the property by the tenant has:

Seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The landlord testified that:

- The tenant posted letters on the common property without obtaining prior written consent from the landlord to do so as required in the tenancy agreement.
- They also had three complaint letters about the tenant, one complaining about some of the things the tenant has said that disturb the other tenant, one complaining about the company the tenant keeps and how loud he is when he is coming and going at night,, and the third from the tenant who fears violence because she saw this tenants vehicle attacked on the street in front of the building.



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Analysis

Without even hearing testimony from the applicant is my decision that the landlord has not met the burden of proving that the tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

Posting letters in the common area of the rental property, may be a breach of the tenancy agreement, however it does not seriously jeopardizing the health safety or lawful right of another occupant of the landlord.

It is also my decision that the three complaint letters do not show sufficient grounds for ending this tenancy. The people who wrote the letters may find the tenants actions to be worrisome, however I fail to see how the tenants actions seriously jeopardize the health or safety or lawful right of the other tenants.

Conclusion

The Notice to End Tenancy dated April 4, 2009 is hereby set aside and this tenancy continues.

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: September 10, 2009.

Dispute Resolution Officer