



Dispute Resolution Services

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

Decision

Dispute Codes: CNC

Introduction

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

On August 6, 2009 the landlord served the tenant with a one month notice to end tenancy for cause. The notice indicated that the reason for ending the tenancy was that the tenant had engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord submitted documentary evidence and gave testimony that the tenant is a heavy drinker who is constantly rude, obnoxious and threatening to the majority of other tenants in the building, and he continually threatens and mouths off to staff.

The advocate for the tenant submitted that the landlord failed to provide any evidence of criminal activity, and that they therefore had not met the threshold for establishing cause as alleged in the notice to end tenancy.

Analysis

Having considered the documentary and testimonial evidence, I find as follows. While the tenant's behaviour may well have amounted to cause for ending the tenancy on another ground, I cannot find that the landlord has provided evidence of illegal activity that supports the one ground alleged in the notice to end tenancy. 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.

Dated October 1, 2009.