



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC & FF

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 and a request that the respondent be ordered to bear the \$50.00 cost of the filing fee that was paid for this hearing

Background and Evidence

The landlord served the tenant with a section 47 Notice to End Tenancy that has the following boxes is checked off:

- The tenant has engaged in illegal activity that has or is likely to damage the landlord's property.
- The tenant has caused extraordinary damage to the unit or property

The landlord testified that:

- The reason the notice has been given is because the tenant does not clean up his dog's excrement on a regular basis and as a result they have to clean it up.



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- This is a health issue for their child, and it also puts them at risk of a bylaw violation from the City of Surrey.

Analysis

Based on the landlords testimony alone it is my decision that I will set aside this Notice to End Tenancy. Failing to clean up dog excrement is not considered to be extraordinary damage, and there is no evidence that the tenant is engaged in any illegal activity.

Failing to clean up dog excrement may be considered a health issue, however the landlord has not checked off the box on the Notice to End Tenancy that relates to jeopardizing health or safety of another occupant of the landlord.

Conclusion

The one month notice dated November 1, 2009 is hereby set aside, and I order that the landlord bear the \$50 cost of the filing fee that was paid for this hearing. The tenant may therefore make a one time deduction of \$50.00 from rent owed to the landlord.

Note: This decision does not affect the 10 day notice for non-payment of rent, which was served on the tenant on November 5, 2009.

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: November 26, 2009.

Dispute Resolution Officer