

## **DECISION**

DISPUTE CODES: CNC OP

1. This hearing dealt with an application by the tenant to set aside the landlord's Notice to End Tenancy dated October 23, 2009. At the hearing the landlord requested an order of possession in the event that the tenant's application was not successful.
2. The undisputed facts before me that are relevant to the Notice to End Tenancy are as follows. This tenancy began on July 15, 2008. The rent is \$559.00 due in advance on the first day of each month. The tenant lives in the rental unit with her six young children. There are twenty-six rental units in the residential property many of which have children in residence. Upon becoming a tenant in the residential property, the landlord makes it clear that loud partying and drunken behaviour is not tolerated due to the fact that many residents are attempting to raise their children in an environment that is healthy and secure. Since moving into the rental unit, the tenant has been warned several times about intoxication and loud arguing with guests she has invited onto the property. Police have attended on at least one occasion. The landlord ultimately served the tenant with a one month Notice to End Tenancy on October 23, 2009. The notice alleged that the tenant had (a) allowed an unreasonable number of occupants in the unit; (b) significantly interfered with or unreasonably disturbed another occupant or the landlord; and (c) engaged in illegal activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant. The tenant disputed the Notice on October 28, 2009.
3. At the hearing Ms. M testified that the tenant had been causing disturbances and that she has been warned about her behaviour. Ms. M also testified that other

occupants have complained to her about the tenant's behaviour and the behaviour of the tenant's invited guests. However, Ms. M did not submit any documentary evidence in support of her allegations in the form of complaint letters or otherwise. Ms. M also acknowledged that there have been no further incidents involving the tenant since the Notice was served on the tenant on October 23<sup>rd</sup>. For her part, Ms. L testified that she is very sorry for the problems she has caused and that she will not allow these things to happen again.

4. Based on all the evidence before me, I am not satisfied that the landlord has proved its case. I accept that the tenant has behaved badly on at least two occasions over the past year and that there was a party held at her unit on an evening when she was not at home, but I am not satisfied that the actions of the tenant justify bringing this tenancy to an end at this time. Clearly, if such behaviours were to occur again in the future and another Notice to End Tenancy issued, the record of these events would form part of the landlord's case should it again come before a dispute resolution officer for consideration.
5. I therefore allow the tenant's application and set aside the landlord's Notice to End Tenancy dated October 23, 2007. As a result, the tenancy shall continue in accordance with its original terms.