



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNC, CNR

Introduction

This hearing dealt with an application by the tenant for an order to set aside two notices to end tenancy. The notice of hearing dated January 04, 2010 was served on the landlord in person, that same day. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on November 01, 2009. The monthly rent is \$187.00 payable on the first day of each month. On December 20, 2009, the landlord served the tenant with a notice to end tenancy for cause following an incident, involving the police and the tenant's guest. The reasons for this notice are that the tenant has allowed an unreasonable number of occupants in the unit and that the tenant has significantly interfered with or unreasonably disturbed another occupant.

The tenant failed to pay rent for December and on December 23, 2009; the landlord served the tenant with a notice to end tenancy for nonpayment of rent.

Analysis

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged, namely that the tenant has allowed an unreasonable number of occupants in the unit and has significantly interfered with or unreasonably disturbed another occupant.

The landlord did not file any evidence to support the reasons for the notices to end tenancy and did not attend the hearing. Without other evidence to support the claim, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notices to end tenancy.

Conclusion

The notices to end tenancy are set aside and the tenancy shall continue.

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: February 08, 2010.

Dispute Resolution Officer