

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, one month Notice to End Tenancy cancelled. The applicants are also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for their application for dispute resolution.

Background and Evidence

The landlord testified that:

- A rule of their tenancy agreement is that the tenants are not to have uninsured vehicles in the parking spaces at the rental property.
- The BMW parked in the tenant's carport has no license on the front of the vehicle and therefore the landlord assumed that it was uninsured.
- The landlord therefore gave the tenants Notice to End Tenancy for having an uninsured vehicle parked in their carport.
- She did not actually go and check on the back of the vehicle to see if there was a license plate with valid insurance on it, as the tenants get upset when she goes into their carport.

The tenants have stated that:

- The BMW in their carport is insured and had insurance plates on it at the time that the notice was given.
- They have even provided a letter from I.C.B.C. that confirms that there is insurance on the big vehicle.

Analysis

The tenants have provided proof of insurance for the vehicle that they have in their carport and therefore it is my finding that the reasons given by the landlord for ending the tenancy are not valid and I will be setting the Notice to End Tenancy aside.

Conclusion

The section 47 Notice to End Tenancy dated March 31, 2010 is hereby cancelled and this tenancy continues. I further order that the respondent/landlords bear the \$50.00 cost of the filing fee that was paid by the tenants for the application for dispute resolution. The tenants may therefore make a onetime deduction of \$50.00 from future rent payable to the landlord.

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: May 25, 2010.

Dispute Resolution Officer