



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on June 19, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request to have a Notice to End Tenancy cancelled.

### Background and Evidence

The applicant testified that:

- On June 6, 2010 the landlord served them with the Notice to End Tenancy which stated:
  - “Tenant or person permitted on the property by the tenant has significantly interfered with unreasonably disturbed another occupant and/or the landlord”.
- She has not been disturbing another occupant, and in fact it is the tenant who lives below her that is the problem.

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- The tenants below her was upset because there was a leak from her rental unit that leaked down into his bathroom and caused damage, however the leak was not the result of anything she did and in fact turned out to be a plumbing problem.
- The plumbing problem was eventually resolved however the tenants below her now has a vendetta against her and complains constantly.
- The tenant has been fabricating complaints, and as shown from the witness letter she has supplied, other tenants in the building have had no complaints about her.

The applicant is therefore requesting that the Notice to End Tenancy be cancelled.

## Analysis

It is my decision that I will cancel the Notice to End Tenancy.

The landlords did not appear at the hearing to present any evidence as to why the tenant was being evicted. The landlord did send an evidence package however there was insufficient evidence to establish the landlord's claim that the tenant has significantly interfered with or unreasonably disturbed another occupant and/or the landlord.

## Conclusion

## Order

I hereby Order that the Section 47, 1 month Notice to End Tenancy, dated June 4, 2010, is cancelled and this tenancy continues.

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: August 09, 2010.

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Dispute Resolution Officer