

## **INTERIM DECISION**

**Dispute Codes:** CNC

### **Introduction**

This application was brought by the tenant seeking to have set aside a one-month Notice to End Tenancy for cause served on June 28, 2010 and setting an end of tenancy date of May 31, 2010 and setting an end of tenancy date of July 28, 2010.

### **Issues to be Decided**

This application requires a decision on whether the Notice to End Tenancy should be set aside or upheld.

### **Background and Evidence**

This tenancy has been ongoing for approximately 10 years and rent is \$358 per month.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served after a number of instances in which the tenant had not fully complied with instructions to prepare for treatment of a bed bug infestation in the 44 unit rental building.

While there was no copy of the Notice to End Tenancy in the file, the parties were in agreement that it was served as claimed and it was on the approved form.

However, the landlord stated that she had submitted a package of documentary evidence including material from the pest control company and communication with the tenant advising of treatment dates and requesting his cooperation, evidence that the landlord hired a company to assist tenants in preparing for the treatment, and a final warning to the tenant that if he continued non-compliance, the tenancy would be terminated.

I accept the testimony of the landlord that she submitted the evidence package, but I am not prepared to render a decision without having an opportunity to examine it fully.

Therefore, the landlord was directed to resubmit the evidence in question and the matter is adjourned to a time and date set out in the enclosed Notice of Hearing.

In the interim, the tenant and the gentleman who assisted him at the hearing have made promise that – if the landlord is able to include the rental unit in a pest control treatment scheduled for September 1, 2010 – the rental unit will be fully prepared for treatment according to instructions that will be provided by the caretaker.

August 26, 2010

---