



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This was the hearing of an application by the tenant to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord and the tenant participated in the hearing

Issues(s) to be Decided

Should the Notice to End Tenancy dated October 7, 2010 be cancelled?

Background and Evidence

The rental unit is a suite at the rental property the tenancy began September, 2010. In October the landlord was told that C.B., a former tenant of the landlord who had been evicted from another property in May, 2010 had been visiting at the rental unit. The landlord attended at the rental unit on October 6, 2010 to speak to the tenant about C.B. During the visit C.B. was present and swore at the landlord and threatened her. The tenant objected what he perceived as the landlord's attempt to restrict his guests at the rental unit. On October 8, 2010 the landlord served the tenant with a Notice to End Tenancy. On the basis that the tenant or a person permitted on the property by him had significantly interfered with or unreasonably disturbed the landlord and had seriously jeopardized the health or safety or lawful right of the landlord.

The tenant testified that he had just moved to the community before renting the unit and he was unaware of a prior history between the landlord and C.B. He said he has seen

C.B. only on two occasions and in view of the conflict between her and the landlord would not see her again.

The landlord said during the hearing that it would have been preferable if she had been able to speak to the tenant alone. She said that it was likely that C.B sought out the tenant so as to create a dispute with the landlord.

Analysis and conclusion

I find that there is insufficient cause to uphold the Notice to End Tenancy. The tenant was not aware that C.B. was a former tenant of the landlord who had been evicted because of her disruptive behaviour. It is likely that the tenant was approached by C.B. precisely because he is a tenant of the landlord. The tenant said that he will not have any further contact with C.B. I order that the Notice to End Tenancy dated October 7, 2010 be, and is hereby cancelled. The tenancy will continue.

Dated: November 09, 2010.
