



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: CNC

Introduction

This is the Tenant's application to cancel a Notice to End Tenancy for Cause issued November 29, 2010 (the "Notice").

The Tenant and her agent gave affirmed testimony at the Hearing.

The Tenant testified that the Notice of Hearing documents were handed to the Landlord's agent at the Landlord's office on December 8, 2010.

Based on the affirmed testimony of the Tenant, I am satisfied that the Landlord was duly served with the Notice of Hearing documents pursuant to the provisions of Section 89(1)(b) of the Act. Despite being served with the Notice of Hearing documents, the Landlord did not sign into the teleconference and the Hearing proceeded in its absence.

Issues to be Decided

- Should the Notice be cancelled?

Background and Evidence

The Tenant's agent testified that the Tenant was served with the Notice on November 29, 2010.

The Tenant's agent stated that the Tenant had been given a warning letter on November 3, 2010, for inappropriately discarded garbage from the Tenant's suite. She stated that this was a one-time occurrence and that the Tenant's young family member had thrown garbage over the back stairs. The Tenant spoke to the young person and it didn't happen again.

Analysis

Based on the undisputed testimony of the Tenant and her agent, I find that there is insufficient cause to end this tenancy. One incident of throwing garbage inappropriately from her suite is not serious enough to support the Landlord's cause as stated on the notice:



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“Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.”

Therefore, I grant the Tenant’s application to cancel the Notice. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

Conclusion

The One Month Notice to End Tenancy for Cause issued November 29, 2010, is hereby cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

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: January 04, 2011.
