



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause (the Notice) on the following grounds:

1. The Tenant is repeatedly late with rent;
2. The Tenant has allowed an unreasonable number of occupants in the unit; and
3. The Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord.

The Tenant was served with the Notice on February 3, 2011 and in response, filed an Application for Dispute Resolution on February 14, 2011. Both, the Tenant and the Landlord participated in the hearing and both were given full opportunity to be heard.

Issue(s) to be Decided

Is there is sufficient cause to end the tenancy?

Background and Evidence

In relation to late rent payments, the Landlord states that the Tenant has been late in paying rent on two (2) occasions: November 2010 and January 2011. The Tenant confirmed these late payments.

In relation to an unreasonable number of occupants, the Landlord states that following the beginning of the tenancy, which was February 1, 2010, he believed the Tenant's son moved in for a couple of months. The Tenant states that his son has never moved into the residence as his son has his own residence. The Tenant further states that his son

has stayed periodically since last summer to assist the Tenant who has been recuperating following a hospitalization.

In relation to significant interference or disturbance, the Landlord provided a letter from the Strata regarding complaints about an individual driving at excessive speeds on strata roads. This letter identifies the driver as a Tenant of either of 2 addresses, one of which is the same address as the Tenant. The letter also provides a description of a younger man and a Nissan. The Tenant, a senior man, denies that this person is either himself or any of his guests and states that he has not received any complaints from his neighbours.

Analysis

For this type of application, the onus is on the Landlord to prove the Notice was issued on sufficient grounds, and that at least one ground must constitute sufficient cause for the Notice to be valid. The Landlord is not required to prove all grounds stipulated for ending the tenancy. Given the facts set out above, I cannot find, on a balance of probabilities that the Landlord has provided sufficient evidence of cause on any of the grounds set out above.

Conclusion

Given my findings, **I order** the Notice **cancelled** and to be of no effect.

As the outcome of this hearing favors the Tenant, I find that the Tenant is entitled to recovery of the **\$50** filing fee for this application. **I order** that the Tenant may withhold this amount from future rent payable following this decision.

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: March 03, 2011.

Residential Tenancy Branch