



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNC

Introduction

The tenant applied to cancel a 1 Month Notice Ending Tenancy for Cause.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Issue(s) to be Decided

Should a 1 Month Notice Ending Tenancy for Cause issued on March 29, 2011, be cancelled?

Background and Evidence

The tenant has lived in the rental unit since 1994. The home is one-half of a wood-framed duplex built in 1964.

The landlord and the tenant agree that a 1 Month Notice to End Tenancy for Cause was served on the tenant indicating that the tenant was required to vacate the rental unit on May 1, 2011. The reasons stated for the Notice to End Tenancy were that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord presented the following evidence and arguments to support the Notice to End Tenancy for Cause:

- Conflict has occurred between the tenant and the neighbouring occupants;
- That approximately 2 months ago the occupants called the police as the tenant swore at them;
- That the occupants have complained about the tenant banging on the walls; and

- That over the years as the result of conflict with the tenant, other occupants have vacated the landlord's neighbouring unit.

The tenant presented the following evidence and arguments in support the application to cancel the Notice to End Tenancy for Cause:

- That he has banged on the walls late at night due to the occupants habit of moving furniture and items in and out of the unit;
- That the tenant did apologize to the landlord and will not continue to bang the walls; and
- That the occupants slam their front door, which disturbs the tenant.

Analysis

During the hearing I determined that insufficient evidence was presented that would cause me to uphold the Notice issued on March 29, 2011. There is no evidence of the tenant causing any significant disturbance to the neighbouring occupants.

The parties were encouraged to communicate concerns in writing and that the landlord fully investigate any reports of disturbances caused by either the tenant or the occupants. I suggested that the parties attempt to reach some agreement on making repairs to the front door of each unit, in order to ensure that they operate properly without having to slam closed.

I have enclosed a copy of the *Guide for Landlords and Tenants in British Columbia* for reference by each party.

Conclusion

As I have determined that the landlord has submitted insufficient evidence to establish that they have grounds to end this tenancy pursuant to section 47 of the Act, I have set aside the One Month Notice to End Tenancy, dated March 29, 2011 and I order that this tenancy continue until it is ended in accordance with 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: April 29, 2011.

Residential Tenancy Branch