



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened in response to an application filed by the tenant seeking to cancel a Notice to End Tenancy given for cause.

Both parties appeared at the hearing gave evidence under oath.

### Issue(s) to be Decided

Does the landlord have cause to end this tenancy?

### Background and Evidence

The landlord issued a 1 month Notice to End Tenancy stating that the tenant has allowed an unreasonable number of occupants in the rental unit. The tenant states that this is not the case.

The landlord testified that on several occasions while patrolling the building he has noted non-residents entering the tenant's suite without knocking. The landlord testified that he has attended the suite to serve the tenant with 10 day Notices to End Tenancy for unpaid rent and another party answers the door and says the tenant is not home. The landlord notices other men sitting in the living room and sleeping bags on the floor. The landlord says that there has been a heavy set man named Mike who comes and goes from the tenant's suite at will. On one occasion the landlord says he asked another of the tenant's visitors if Mike lived in the suite and the response was "I think so". The landlord says further that there is a red Ford Explorer pick-up truck parked outside the building and different people drive it and, on one occasion someone sleeping in it.

The tenant says he is a computer technician and people come and go from his suite dropping off their computer equipment for repair. Further, the tenant says he works

elsewhere during the mornings from 10 a.m. to 1 p.m. and while he is at work his friends remain in his suite to protect the computer equipment that is located in the suite.

With respect to Mike, the tenant says that Mike had a stroke and was staying with him during his recovery. The tenant says Mike has now left.

### Analysis

While the evidence shows that the tenant has frequent visitors I find that the landlord has failed in his burden of proving that the tenant has an unreasonable amount of people occupying the rental unit.

### Conclusion

The tenant's application is allowed. The effect of this decision is that this tenancy shall continue as though the Notice to End Tenancy effective July 31, 2011 is of no force or effect.

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*.

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