



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, O

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause, to order the landlord to comply with the act and other.

The tenant participated in the conference call hearing but the landlord did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing in person. I found that the landlord had been properly served with notice of the tenant's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

On September 8, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause:

- The tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord
- The tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- The tenant has put the landlord's property at significant risk
- The tenant has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenant's representative testified that the landlord had agreed to set aside the notice to end tenancy and that the tenant and landlord were in the process of working out an agreement to allow the tenancy to continue. The tenant has possession of and remains in the rental unit.

The tenant and landlord will be working together with the City of Vancouver Hoarding Task Force and the tenant's representative to set up guidelines and expectations for the

tenant regarding getting his rental unit to and keeping it at an acceptable standard of living. This guideline/agreement will entail a timeline for the tenant to clean out the rental unit and provide the tenant with a reminder as to what is acceptable.

The tenant's representative stated that the tenant has agreed to the proposed plan and agreed to everyone working with him.

No testimony was provided regarding an order for the landlord to comply with the *Act* or other and those portions of the tenant's application are dismissed. As the tenant has possession of the rental unit the request for an order of possession for the rental unit is dismissed.

Analysis

Based on the documentary evidence and undisputed testimony of the tenant's representative, I find that there is insufficient evidence to uphold the Notice to End Tenancy for Cause.

Accordingly, the notice to end tenancy is hereby set aside and the tenancy continues in full force and effect.

Conclusion

I therefore allow the tenant's application and set aside the landlord's Notice to End Tenancy for Cause dated September 8, 2011 with the result that the tenancy continues uninterrupted.

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: September 27, 2011.

Residential Tenancy Branch