



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing was convened in response to an application filed by the tenants seeking to cancel a Notice to End Tenancy for cause issued by the landlord and for recovery of the filing fee paid for this application.

Both parties attend the hearing and gave evidence under oath.

### Issue(s) to be Decided

Has the landlord met the burden of proving she has cause to end this tenancy?

### Background and Evidence

The male tenant has been a tenant of the landlord since 2002. The female tenant is one of a number of roommates over the years. The landlord has issued a 1 month Notice to end this tenancy based on an allegation that the tenant has significantly interfered or unreasonably disturbed another occupant.

The rental building is 40 years old. The bedroom wall of the tenants' suite is shared with the laundry room facilities. The landlord says she received a letter from another tenant who says she had an incident in the laundry room with the male tenant. The landlord says the tenant was new and not clear on the rules regarding the times that the laundry room could be used and she was doing her laundry after the allowed hours. A verbal altercation took place and the landlord says this tenant was aggressive with the new tenant and this frightened her. The landlord says they have lost a number of tenants because of this tenant's actions with respect to using the laundry room after hours and the landlord is concerned that she is responsible for the safety and quiet enjoyment of all tenants.

The tenant agrees that the incident took place and he submitted a note of apology sent to him by the other tenant. The tenant says he was woken up and he was unhappy with

people who do not obey the rules regarding doing laundry as it disturbs his sleep. The tenant says he was not overly aggressive and, in fact, the tenant involved apologized to him. The tenant says that he has never received any warning or concerns regarding any of his conduct at the rental building and he believes being evicted for this one incident is a drastic and unwarranted step.

The landlord says there have been many complaints and incidents. The landlord did not bring the complainants stating that she did not know she would have to do so.

### Analysis

I agree with the tenant. I find that one reported incident by an anonymous complainant regarding the after-hours use of laundry facilities to be insufficient for the purposes of ending this tenancy. The complainant has not come forward to allow the tenant to face his accuser and respond to examination. There are two sides to every story. Overall I find that the landlord has failed in her burden of proving she has cause to end this tenancy.

### Conclusion

The tenants' application is allowed. The effect of this decision is that this tenancy shall continue as though no notice had been issued. The tenants are at liberty to deduct \$50.00 from their next rental payment to recover the filing fee they have paid for this dispute.

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 31, 2012.

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Residential Tenancy Branch