



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, ERP

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request to cancel a Notice to End Tenancy and I dismiss the remaining claims, with liberty to re-apply.

### Background and Evidence

On August 13, 2012 landlords personally served the tenant with a Notice to End Tenancy giving the following reasons:

- The tenant has engaged in illegal activity that has, or is likely to:
  - Adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.
  - Jeopardize unlawful right or interest of another occupant or the landlord.

The landlord testified that:

- This notice was given because of reported verbal and physical altercations between the tenants.
- There are three tenants and this tenancy agreement, but it is believed that one of the tenants has been assaulted, either verbally or physically by the other tenants.

### Analysis

When illegal activity is claimed, it is not sufficient to suspect illegal activity, the applicant must prove that illegal activity has been occurring, and in this case it is my finding that the applicants have not met the burden of proving that the respondent's are engaged in any illegal activity.

### Conclusion

The Notice to End Tenancy dated August 13, 2012 is hereby canceled and this tenancy continues.

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 17, 2012.

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Residential Tenancy Branch