



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued for cause.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

On August 31, 2012, the Landlord served the Tenant with a one month Notice to End Tenancy for alleged illegal activity in the rental unit which adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the Landlord, with an effective end date to the tenancy of September 30, 2012 (the "Notice").

The Landlords testified that the Tenant is smoking marijuana in the rental unit and has people visiting him at odd hours of the night. The Landlords have provided evidence that this behaviour has disturbed other renters in the building. For example, the smoke and smell travel up and disturb the renters in the unit above the subject rental unit.

The Tenant testified that he does smoke marijuana for medical purposes, although he agrees he has no legal authority to do so, which requires a license. The Tenant denies smoking in the rental unit at all and alleged that smoke from a neighbour's house must be travelling to the rental unit.

The Tenant explained one person had come to the rental unit in the middle of the night, however, that person was not invited and was intoxicated and did create a disturbance.

Analysis

During the course of the hearing the parties came to an agreement to resolve the dispute. The parties asked that the settlement be recorded and I provide this decision pursuant to section 63 of the Act.

The parties agreed that:

The Tenant promised that he and any guests to the subject rental unit will not smoke marijuana in the rental unit or in proximity to the other renters in the property.

The Tenant acknowledged this was his last chance and final warning not to smoke marijuana in the rental unit or to allow others in his rental unit to smoke it.

The Tenant acknowledged this was his last chance and final warning that his guests must not disturb other occupants at the building.

As a result of the promises made by the Tenant the Landlords agreed to withdraw the Notice.

If the Tenant does not keep these promises the Landlords will issue another Notice to End Tenancy.

The parties are commended for reaching a mutual agreement.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 05, 2012.

Residential Tenancy Branch