



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CONNECTOR PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** CNC, MT

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and for more time to do so. Both parties attended the hearing and had opportunity to be heard.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy? Is the tenant entitled to more time to make this application to dispute the notice to end tenancy?

### **Background and Evidence**

The tenancy started on July 01, 2009. On January 29, 2013, the landlord served the tenant with a notice to end tenancy for cause. Neither party filed a copy of the notice. The tenant applied to dispute the notice within the legislated time of ten days. Therefore I find that the tenant's application for more time to dispute the notice is unnecessary.

The landlord stated that the tenant disturbed the quiet enjoyment of the other occupants of the building complex but did not provide any evidence to support her testimony or the reasons for serving the notice.

### **Analysis**

In order to support the notice to end tenancy, the landlord must prove the ground alleged, namely that the tenant has significantly interfered with or unreasonably disturbed other occupants.

As explained to the parties during the hearing, the onus or burden of proof is on the party making a claim to prove the claim. In the absence of evidence to support the alleged grounds for the notice, I find that the landlord has not proven her case.

I therefore allow the tenant's application and set aside the landlord's notice to end tenancy. As a result, the tenancy shall continue in accordance with its original terms.

**Conclusion**

The notice to end tenancy is set aside and the tenancy will continue.

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: March 06, 2013

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Residential Tenancy Branch

