



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0781178 BC LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction**

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

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy?

### **Background and Evidence**

The tenancy began in November 2013. On November 30, 2013, the landlord served the tenant with a notice to end tenancy for cause. The tenant applied to dispute the notice in a timely manner.

The reasons for the notice to end tenancy are that the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord and has put the landlord's property at significant risk. The landlord did not file any documentary evidence to support the reasons for wanting the tenancy to end.

During the hearing the landlord testified that the reason for the notice to end tenancy was that the tenant has multiple visitors after 10 pm which is in violation of the rental policy regarding quiet times. The landlord also stated that the type of activity to and from the rental unit suggests that the tenant is involved in drug trafficking. The landlord stated that he has received complaints of loud music from the tenant's unit.

The tenant denied all allegations. However, the tenant agreed to having caused a noise disturbance by playing loud music once, which he turned off after a neighbour contacted him and requested him to turn it down.

### **Analysis**

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged

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. When one party provides evidence of the facts in one way and the other party provides an equally probable explanation of the facts, without other evidence to support the claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails.

The landlord made allegations that the tenant violates the rental policy of visitors after 10 pm and participates in activities that are consistent with drug trafficking. The tenant denied the allegations and the landlord did not file any evidence to support his allegations. Therefore, I am unable to determine that the landlord has cause to end the tenancy.

I therefore allow the tenant's application and set aside the landlord's notice to end tenancy, dated November 30, 2013. 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: January 30, 2014

---

Residential Tenancy Branch

