



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REGENT HOTEL  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

The tenant applies to cancel a one month Notice to End Tenancy served on or about October 31, 2013.

The Notice alleges the tenant has “allowed an unreasonable number of occupants” in the rental unit, has engaged in illegal activity that has or is likely to damage the landlord’s property and has assigned or sublet the unit without the landlord’s written consent. Any one of these allegations, if proved, would justify the ending of the tenancy under s. 47 of the *Residential Tenancy Act* (the “Act”).

### Issue(s) to be Decided

Does the relevant evidence show on a balance of probabilities that the tenant has given the landlord cause to evict him for any of these reasons?

### Background and Evidence

The rental unit is an “SRO” single room occupancy hotel room. The tenancy started in June 2013. The rent is \$450.00 per month and the landlord’s representatives acknowledge that the landlord holds a \$250.00 security deposit. Apparently there is no written tenancy agreement.

The landlord’s representative Mr. G.C., the maintenance supervisor for this converted hotel, testified that on some unspecified date he attended at suite 218, a vacant suite next door to the applicant tenant’s suite, and found a man sleeping in the empty unit. The man was “semi-moved in.” Mr. G.C. claims the man told him that his “buddy” next door had rented the room to him. Mr. G.C. says that he, along with Mr. “Depot”, a former manager, went to 217 and confronted the applicant tenant with the allegation. Unfortunately, Mr. G.C. cannot recall what the tenant’s response was.

Mr. J.L. the current manager at the building heard about the 218 incident but has no personal knowledge of it.

The tenant testified that he didn't know the man in 218 and did not authorize him to go into the suite. He says that 218 had been closed down by the police in August due to drug sale issues and that it was unlocked.

The landlord's representative Mr. G.C. testified that the tenant had been permitting his girlfriend to stay overnight, contrary to some unspecified rule. The tenant denies it.

The landlord's representative Mr. G.C. testified that the tenant was caught selling drugs in suite 418. Mr. J.L. says he had seen the tenant in 419 on December 31, 2013. He says the tenant told him he was selling drugs.

The tenant says his girlfriend and the girl in 419 are friends and that's why he is there on occasion.

### Analysis

The ending of a tenancy is a very serious matter. The evidentiary burden on the landlord is still on a balance of probabilities. However, the quality of the evidence must be high. A tenant will not face eviction based only on second hand evidence or speculation.

In this case the landlord simply has not provided sufficient evidence to show that the tenant has given cause under any of the three claims in the Notice.

There is no convincing evidence the tenant "rented" suite 218 to anyone. In any event, s.47 permits eviction only where a tenant assigns or sublets his rental unit.

The evidence is far from convincing that the tenant's girlfriend stayed overnight and there is no evidence that it would be contrary to the tenancy agreement if she did.

The evidence is far from clear that the tenant is selling drugs in suite 418 or anywhere. In any event, the incident apparently being referred to happened on December 31, 2013, according to Mr. J.L. That is long after the eviction Notice was served. It cannot be put forward to justify the eviction Notice in question.

Conclusion

The tenant's application is allowed. The one month Notice to End Tenancy alleged to be effective "30 NOVE 2013" is cancelled.

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 07, 2014

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Residential Tenancy Branch

