



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was personally served on the Tenant on February 28, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Landlord on March 3, 2014. With respect to each of the applicant's claims I find as follows

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated February 28, 2014?

Background and Evidence

The tenancy began on May 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$720 per month in rent plus \$20 for parking payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$360 at the start of the tenancy.

Analysis

Grounds for Termination

The Notice to End Tenancy relies on section 47(1)(d) of the Residential Tenancy Act.

That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

...
(d) the tenant or a person permitted on the residential property by the tenant has
(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

Analysis

The landlord testified that she has received complaints from other tenants that the tenant or someone permitted in the rental unit by the tenant has caused excessive noise. The tenant or someone else permitted on the property causes the front door to slam at all hours of the day and night. Further, WN who lives in the rental unit plays the music in his automobile very loudly when he goes and comes at night and his car is excessively noisy.

The tenant and the witnesses produced by the tenant dispute this evidence. WN denies that his car is loud and that he plays his music in his car loudly when he leaves. The witnesses testified there is a problem with the front door and it needs to be adjusted to prevent it from slamming.

After carefully considering all of the evidence I determined the landlord has failed to present enough evidence to establish sufficient cause to end the tenancy. The other tenants who complained to the landlord did not attend the hearing nor did they provide

testimony. The tenant and her witnesses dispute the allegations made. The landlord failed to present evidence of the tenant or person permitted on the property “engaging in illegal activity.” As a result the landlord has failed to establish cause under section 47(1)(e)(ii). Further, the landlord failed to present sufficient evidence to establish sufficient cause under section 47(1)(d)(i).

Determination and Orders

After carefully considering all of the evidence I determined that the landlord has failed to establish sufficient cause to end the tenancy. As a result I order that the Notice to End Tenancy dated February 28, 2014 be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

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 20, 2014

Residential Tenancy Branch

