



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, O

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether to uphold or cancel a Notice to End Tenancy that was given for cause.

### Background and Evidence

On April 30, 2014 the landlord posted a one-month Notice to End Tenancy on the tenant's door listing the following reason for ending the tenancy:

"Tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord."

The landlord testified that:

- The reason this notice has been given is because the tenant has been disturbing the other occupants of the rental property by asking the other occupants for illegal substances.

- The notice is based on receiving numerous complaints from other occupants due to both noise and reports of the tenant asking people where he could buy drugs.
- They were not so much suggesting that he is engaged in illegal activity, as his activities are disrupting the other occupants.

### Analysis

To end the tenancy under this section the landlord has to be able to show that the tenant has been engaged in illegal activity, and in this case the landlord has not been able to meet the burden of proving that the tenant is engaged in illegal activity.

If the tenant has been asking other tenants where he can purchase drugs, that may be disturbing the other tenants, however that is not considered illegal activity.

I therefore allow the tenants request to cancel the notice.

### Conclusion

I hereby set aside the one-month Notice to End Tenancy that is dated April 30, 2014, and this tenancy continues.

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: May 28, 2014

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Residential Tenancy Branch

