



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause, and a request for recovery of the filing fee.

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 or not to cancel or uphold a Notice to End Tenancy that was given for cause.

Background and Evidence

On May 28, 2014 the landlord served a one-month Notice to End Tenancy for cause stating the following reason:

- 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 however testified that he has no evidence of any illegal activity, he has only been told that some people smelled marijuana smoke coming from the tenant suite.

Analysis

To end the tenancy for alleged illegal activity, the landlord must show evidence of such illegal activity, and in this case the landlord has been unable to do so.

The landlord has in fact provided no evidence of illegal activity, and has only provided minimal hearsay evidence regarding smell of marijuana smoke.

It's my finding therefore that the landlord has not met the burden of proving that the tenant has been engaged in illegal activity.

Conclusion

The one-month Notice to End Tenancy dated May 28, 2014 is hereby canceled and this tenancy continues.

I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore make a one-time deduction of \$50.00 from future rent payable to the landlord.

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: August 18, 2014

Residential Tenancy Branch

