



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy dated April 30, 2015 be cancelled?

Background and Evidence

The rental unit is an apartment in Vancouver. The tenancy started in June 2014. On April 30, 2015 the tenant was served with a one month Notice to End Tenancy for cause. The Notice required the tenant to move out of the rental unit by May 31, 2015. The reason for the Notice was that the tenant has allowed an unreasonable number of occupants in the rental unit. The tenant filed his application to cancel the Notice to End Tenancy on May 6, 2015.

The landlord did not submit any documentary evidence with respect to the alleged grounds for ending the tenancy. At the hearing the landlord said that the tenant has too many people living in his two bedroom apartment. He said that the tenant, his girlfriend and their young son live in the unit. He said that the girlfriend's mother also lives in the unit and he claimed that there are often five people living in the unit.

The tenant denied the landlord's claims that there are too many occupants. He said that his girlfriend's mother does come to the rental unit to look after their seven year old son and walk him to school because the tenant and his girlfriend leave for work and school respectively, before it is time for their son to go to school.

The tenant said that he and his girlfriend attended an event in the United States in April and they left their son in the care of the mother while they were away for 10 days because they did not want him to miss school.

The tenant also said that his girlfriend's mother has her own rental accommodation and he provided evidence to substantiate that fact.

Analysis

The landlord has claimed that there are an unreasonable number of occupants in the rental unit. The landlord has failed to provide convincing evidence to support his claim. The tenant testified that he lives in the unit with his partner and their son. The mother of his partner attends to provide babysitting services on a regular basis. I accept the tenant's evidence and I find that there is not an unreasonable number of occupants in the rental unit. I therefore allow the tenant's application and I order that the Notice to End Tenancy dated April 30, 2015 be and is hereby cancelled. The tenancy will continue until ended in accordance with the *Residential Tenancy Act*.

Conclusion

The tenant's application had been granted, the Notice has been cancelled. The tenant did not request the recovery of the filing fee and I make no order with respect to it.

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: July 20, 2015

Residential Tenancy Branch

