Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lamangh Properties Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes   CNC

Introduction

This is an application brought by the tenant(s) requesting an order canceling 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 thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

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

The parties agree that this tenancy began on March 1, 2016 and the present monthly rent is $800.00 due on the first of each month.

The parties also agree that, on October 18, 2016, the tenants were personally served with a one-month Notice to End Tenancy, giving the following reasons:
- Tenant has allowed an unreasonable number of occupants in the unit/site
- 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.

The landlords testified that the tenants have had numerous people coming and going from the rental unit on an ongoing basis, and on one occasion the police had to come due to a bear spraying incident in the rental suite.

The landlords further testified that the tenants have had a person living in the rental unit without the landlord's permission to do so.

The landlords further testified that the tenants have been associating with and allowing people associated with the drug trade to have access to the rental unit.

The landlords further stated that they believe that there is drug activity occurring at the rental unit.

The tenants testified that they did have someone staying with them for a couple of weeks, with the landlord's knowledge, however that person is now gone.

The tenants also stated that there has not been numerous people coming and going from the rental unit, the high-traffic of people was to the unit next to theirs.

The tenants also testified that they are not involved in any illegal activity or any drug activity, and that the bear spray incident was actually a home invasion of their rental unit where someone kicked in the door and attacked them.

In response to the tenants testimony the landlords testified that the traffic going in and out of this unit was people who are associated with the drug trade.

Analysis

It is my finding that the landlords have not met the burden of proving reasonable grounds for ending this tenancy for the reasons they have given.

The landlords stated that the tenants have allowed an unreasonable number of occupants in their unit; however the landlords not met the burden of proving that there have been more than three people living in this two-bedroom rental unit, and that would not be considered an unreasonable number of occupants.

Further, although the landlord state that the tenant is engaged in illegal activity, the landlord has provided no evidence of illegal activity on the part of the tenants, other than to state that they suspect drug activity is occurring at the rental unit. The tenants deny

any illegal activity and in the absence of any supporting evidence it is my finding that the landlords have not met the burden of proving this claim.

It is my decision therefore that I will cancel the Notice to End Tenancy.

Conclusion

I hereby order that the one-month Notice to End Tenancy dated October 18, 2016 is hereby canceled 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: December 13, 2016

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Residential Tenancy Branch