



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SHUSWAP INDEPENDENT LIVING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OLC

### Introduction

The tenant applies to cancel a one month Notice to End Tenancy dated and received May 9, 2017.

The Notice alleges that the tenant or a person permitted on the property by the tenant has, a) significantly interfered with or unreasonably disturbed another occupant or the landlord or b) seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The Notice also alleges that the tenant or a person permitted on the property by the 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.

Proof of any one of these grounds is good cause for eviction under s.47 of the *Residential Tenancy Act*.

The tenant lists Ms. D.D. as a respondent landlord but it is apparent Ms. D.D. merely works for the landlord and is not a party to the tenancy agreement.

Both parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

Does the evidence presented during the hearing establish any of the listed grounds for eviction?

Background and Evidence

The rental unit is a two bedroom row house. The tenancy started in January 2015. Currently the monthly rent is \$462.00. The landlord holds no deposit money.

Ms. D.D. for the landlord testifies that the grounds for eviction arise from an incident on May 1 of this year when the tenant physically assaulted a man. The man was a visitor of another tenant in the complex. That tenant was not present.

The tenant admits she hit the man. She says the man and the tenant he was visiting had been harassing her for some time. She says that though the police attended, she has not been charged with any offence.

Analysis

The Notice in question is defective. It requires the landlord to complete a section entitled "DETAILS OF CAUSE(S)" giving particulars of the grounds claimed. The landlord has left that section blank.

The ending of a tenancy is a very serious matter. A landlord attempting to do so will be required to strictly comply with the rules permitting eviction. In this case it has not and for that reason I set aside and cancel the Notice.

Additionally, in order to substantiate the Notice it must be shown that "an occupant or the landlord" has been affected by the tenant's conduct. That has not been proven. Only the visitor was mentioned as a person possibly affected by the tenant's conduct. For that reason the Notice cannot stand.

Conclusion

The tenant's application is allowed. The Notice to End Tenancy dated May 9, 2017 is hereby cancelled.

This decision was rendered orally at hearing and 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: June 29, 2017

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Residential Tenancy Branch