



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0927000 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause, dated April 22, 2020 ("1 Month Notice"), pursuant to section 47.

The landlord's agent ("landlord"), the tenant, and the tenant's advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant confirmed that her advocate had permission to speak on her behalf. The landlord confirmed that she was the building manager for the landlord company named in this application. This hearing lasted approximately 33 minutes.

The tenant's advocate filed an amendment to remove the claim to dispute a One Month Notice to End Tenancy for End of Employment, which was made in error, and to add the claim to dispute a 1 Month Notice for Cause. The landlord did not object to this amendment. Both parties agreed that the tenant only received a 1 Month Notice for Cause from the landlord. Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to replace the above claim.

Neither party submitted any evidence for this hearing, including a copy of the 1 Month Notice. Both parties confirmed the date and the effective move-out date on the 1 Month Notice. The effective move-out date is April 30, 2020.

At the outset of the hearing, the landlord confirmed that she issued the 1 Month Notice to the tenant because the tenant, along with her boyfriend, were making noise in the tenant's boyfriend's apartment, which is a different rental unit and a different tenancy.

The landlord stated that she issued two 1 Month Notices to the tenant and her boyfriend separately because she wanted both of them to move out. The tenant confirmed that her boyfriend disputed his 1 Month Notice and his hearing was held on the day before this hearing. The landlord claimed that she was not aware of that hearing.

The landlord's claim of a noise complaint relates to a different tenant, a different tenancy and a different rental unit, where the tenant was a guest. That other tenant, who is the tenant's boyfriend, received a separate 1 Month Notice for his rental unit and his tenancy. The landlord's noise complaint was not related to the tenant's unit or the tenant's tenancy.

Therefore, I notified both parties that the landlord's 1 Month Notice, dated April 22, 2020, was cancelled and of no force or effect and that this tenancy continues until it is ended in accordance with the *Act*. Both parties confirmed their understanding of same.

Conclusion

The tenant's application is allowed. The landlord's 1 Month Notice, dated April 22, 2020, is cancelled and of no force or effect. This tenancy continues until it is ended in accordance with the *Act*.

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: June 05, 2020

Residential Tenancy Branch