

This is the 1st affidavit
of Don Smith in this case and
was made on July 5, 2010

No. 0123067
Vancouver Registry

In the Supreme Court of British Columbia
In the Matter of the *Judicial Review Procedure Act* R.S.B.C. 1996, c. 241

Between: Don Smith Petitioner

And: Betty Jones Respondent

AFFIDAVIT

I, Don Smith, of 1234 ABC Street, Vancouver, British Columbia, a dish washer/cashier,
SWEAR (OR AFFIRM) THAT:

1. I am the petitioner in this matter and I have personal knowledge of the matters I refer to in this affidavit.
2. I am a tenant and I reside at 1234 ABC Street, Vancouver, BC (the "Rental"). I pay \$575 per month in rent.
3. My landlord is the respondent Betty Jones (the "Landlord").
4. On May 13, 2010 I was served with a 1 Month Notice to End Tenancy for cause. I found the Notice on my door.
5. I did not know why I was being evicted.
6. I tried to ask my Landlord why I was being evicted, but she did not return my calls.
7. I applied to the Residential Tenancy Branch to cancel the Notice to End Tenancy on May 17, 2010. A copy of my application for dispute resolution is attached to this affidavit as Exhibit A. **[NOTE: Copies of Exhibit A (the Notice to End**

Tenancy), Exhibit B (the decision) and Exhibit C (the order of possession) would then be attached to this affidavit and marked as exhibits. A commissioner for taking oaths will be able to mark the documents as exhibits. It is essential that you bring the exhibits with you to the commissioner for taking oaths.]

8. I never received any documents or evidence from the Landlord.
9. A Dispute Resolution Hearing was held by telephone conference call on June 25, 2010. Shortly after the hearing started, the Arbitrator and the Landlord started discussing documents that they said had been submitted as evidence by the Landlord.
10. The Arbitrator indicated that the Landlord had submitted copies of warning letters sent to me requesting that I stop smoking in the Rental.
11. I had never received any such letters from my Landlord.
12. During the June 25, 2010 hearing, I told the Arbitrator that I did not have copies of the warning letters, and that I had not received copies of any evidence from the Landlord.
13. At the hearing I also testified that I had smoked in the Rental, but that I was never told that I was not allowed to smoke in the Rental and that the Landlord never warned me not to smoke or requested that I stop smoking.
14. The Residential Tenancy Branch issued a decision on June 25, 2010 upholding the Landlord's 1 Month Notice to End Tenancy for cause. A copy of that decision is attached to this affidavit as Exhibit B.
15. The Arbitrator also granted the Landlord an Order of Possession, effective July 31, 2010. A copy of that Order is attached to this affidavit as Exhibit C.

SWORN (OR AFFIRMED) BEFORE ME)
at Vancouver, British Columbia)
on July 5, 2010.)
)
_____)
A commissioner for taking affidavits)
for British Columbia)

Don Smith