



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## DECISION

Dispute Codes: ET & FF

### Introduction:

This hearing dealt with an application by the tenant seeking an early end to this tenancy pursuant to section 56 of the *Act*. Both parties appeared and were provided the opportunity to be heard and respond to the evidence of the other party.

### Issue to be Determined:

Has the landlord established grounds to end this tenancy early pursuant to section 56 of the *Act*?

### Analysis:

In order to end a tenancy early a landlord must establish that there are grounds to end the tenancy in accordance with the *Act* and must establish that it would be both unfair and unreasonable for the landlord to wait for a one month Notice to End Tenancy under section 47 of the *Act* to take effect.

The landlord has the burden of proof meaning that they must show on the balance of probabilities that these conditions exist. In the matter before me the landlord has made allegations respecting this tenant which include use of illegal substances, verbal and physical abuse, and failure to pay the rent and utilities. Unfortunately, the police have been involved on a number of occasions respecting these events.

The tenant disputes all of the tenant's allegations and has indicated that at no time has he been charged by the police or asked to leave the rental unit. The tenant submits that he has never received any official notice to end tenancy from this landlord and also submits that he has paid all the rent and utilities required.

At the time of this hearing the dispute, issues and actions of the parties are based solely on the oral testimony of each of the parties involved and I have no supporting evidence on which to determine if one version of events has more truth than the other. It is, at this point, a "she said, he said" situation. Although there are police records they were unfortunately not available in time for this hearing.

I find that the landlord has not met the burden of proof required to end this tenancy early pursuant to section 56 of the *Act*.

However, the tenant has agreed to mutually end this tenancy effective December 31, 2008. The landlord has accepted this mutual end of tenancy and I will grant the landlord an Order of Possession effective **December 31, 2008 at 1:00 p.m.** to enforce this mutual end to the tenancy.

Conclusion:

I dismiss the landlord's application for an early end to this tenancy. However, by mutual agreement this tenancy will end effective December 31, 2008 at 1:00 p.m. The landlord will receive an Order of Possession to enforce this agreement. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Dated December 09, 2008.

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Dispute Resolution Officer