



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      ET & FF

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

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

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Early End to the tenancy and Order of Possession.

### Background and Evidence

The applicant testified that:

- The respondent has been harassing other tenants and the landlord.
- The RCMP has been to the Suite 8 times.
- The tenants screen door has gone missing.
- The tenant has been smoking pot in the building.
- There are frequently people coming to the building attempting to serve documents on the tenant.

- The respondent has threatened the landlord by stating that she was refusing to get rid of her cat, even though she knows the landlord is highly allergic to cats.
- The respondent has made vague threats about damage to the building.
- The tenant has allowed a banned person into the building, who was banned for making threats against the landlord.
- He cannot prove that the banned person made threats, as it is only his word against that person's.

The witness testified that:

- The tenant threatened to change the locks on the rental unit.
- The tenant has threatened to call the police.
- The tenant refuses to allow inspection of the suite.
- The tenant has not made any threats of physical harm against the witness.

## Analysis

An early end to a tenancy is only given in extraordinary circumstances and only when the applicant can show that the situation is so extreme that it would not be reasonable to require the normal 1 clear month Notice to End Tenancy.

Further the burden of proving a claim lies with the applicant and when it is just the applicant's word against that of the respondent that burden of proof is not met.

In this case it is my decision to the applicant has not met the burden of proving that this situation is so extreme that it would not be reasonable to require the normal one clear month Notice to End Tenancy.



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The applicant may well have valid reasons for ending this tenancy with the normal one clear month Notice to End Tenancy and in fact the applicant has served such a notice on the tenant, and this decision does not affect the validity of that notice. The respondent has filed a dispute of that Notice to End Tenancy and the matter will be heard in June 2009.

## Conclusion

The request for an early end to this tenancy is dismissed.

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: May 15, 2009.

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Dispute Resolution Officer