



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 have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

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

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an order for an early end to the tenancy. The applicant is also requesting an order that the respondent bear the \$50.00 cost of the filing fee paid for this hearing.

Background and Evidence

The landlord testified that:

- It is his belief that the tenant's roommate is selling drugs from the rental unit.
- The tenant had told him that his roommate had been referred to him by a drug dealer.

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- There are people coming and going from the rental unit at all hours of the night and recently drug paraphernalia is found at the bottom of a shared stairway in the building.
- When he spoke to the tenant's roommate the tenant's roommate asked to have the drug paraphernalia given to him and he would try to find out who it belongs to.
- He has had people knocking on his door looking for the drug dealer.

The applicant therefore believes that the tenant's roommate is selling drugs from the rental unit.

The respondents testified that:

- They have not been selling drugs from the rental unit and that the roommate was not referred by a drug dealer.
- The drug paraphernalia referred to by the landlord was found in a common area and could have been dropped there by anyone.
- The tenant's roommate has sleeping problems and therefore is in and out of the building numerous times during the night to go outside for a smoke.
- The tenant's roommate also has a very close friend who does visit frequently both at daytime and night-time; however the visits are not related to drugs.

The respondents therefore ask of this application be denied and the tenancy continue.

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.



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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 basically just the applicant's word against that of the respondents. The applicant has supplied some unsworn written statements; however the respondents have given sworn testimony to refute the claims made in those statements.

The landlord has supplied no direct evidence to show that the tenant's roommate is selling drugs and these allegations are based solely on supposition.

The applicant has not shown that an early end to this tenancy is justified.

Conclusion

This application is dismissed in full.

(Note: this decision was generated with the use of voice recognition software)

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 22, 2009.

Dispute Resolution Officer

(Note: this decision was produced with the use of voice recognition software)