



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 the landlord's application for an order ending this tenancy early. Both parties participated in the conference call hearing and had opportunity to be heard.

Issue(s) to be Decided

Is the landlord entitled to an order ending this tenancy early?

Background and Evidence

The landlord testified that she has found the tenant to be unreasonable and unpredictable, interrupting her when she attempted to speak with him and hanging up on her when she phoned. The landlord further testified that the tenant would not permit her to enter the unit when she gave proper notice of entry. The landlord further testified that on one occasion she knocked on the tenant's door and he yelled and swore loudly. The landlord testified that she felt threatened by the tenant because he was difficult to get along with and often raised his voice.

The tenant testified that he and the landlord had trouble communicating because she didn't want him to speak. The tenant further testified that the landlord would give him notices of entry which did not comply with the Act and that on the occasion when he yelled and swore when she knocked on his door, he was swearing at his girlfriend, not at the landlord.

Analysis

In order to establish grounds to end the tenancy early, the landlord must prove not only that she has cause to end the tenancy, but that it would be unreasonable or unfair to the landlord to wait for a one-month notice to end tenancy to take effect. I find that the landlord has not met this burden. It is clear that the parties have trouble

communicating. While it may be true that the tenant has raised his voice at the landlord and has hung up on her, I find that this behaviour is not threatening to a degree that it warrants an extraordinary measure such as this. Accordingly I dismiss the landlord's application. As a result, the tenancy will continue.

The parties have each been provided with a fact sheet outlining the requirements of the Act with respect to a landlord's right to access the rental unit in the hope that this will help alleviate further problems.

Conclusion

The landlord's application is dismissed.

Dated June 26, 2009.