



Dispute Resolution Services

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

Decision

Dispute Codes: ET

Introduction

This hearing dealt with an application by the landlord to end the tenancy early, pursuant to section 56 of the Act. Both landlords and the tenant participated in the teleconference hearing.

The landlord submitted documentary evidence that they did not disclose to the tenant. I therefore did not admit or consider that evidence in reaching my decision in this matter.

Issue(s) to be Decided

Should the tenancy be ended early?

Background and Evidence

The landlord and tenant disputed the length of the tenancy but agreed that the tenant had been in the rental unit for at least two and a half years. The rental unit is a lower suite in a house. Other tenants reside in the upper portion of the house.

The landlord's reasons for ending the tenancy early were as follows. The tenant recently acquired two dogs, one of which is a pit bull. The dogs attacked and bit one of the upstairs tenants. On one occasion the landlord sought entry into the rental unit and the tenant refused on the basis that she could not control her dogs. The tenant told the landlord that she needs the dogs for protection because her acquaintances were involved in a murder.

The tenant is doing drugs, including crack cocaine, in the rental unit. Some associates of the tenant vandalized the property. The landlord has spoken to the upstairs tenants, who told the landlord that they are in fear for their lives. The landlord's response to the tenant's testimony was that she did not say one word of truth.

The tenant's response to the landlord's testimony was as follows. The tenant inherited the dogs from her daughter. The tenant's daughter moved in with the tenant and brought the dogs for protection after she witnessed her boyfriend being shot. The dogs are "the friendliest dogs in the world," and it is the landlord who is afraid of dogs. There is nothing in the tenancy agreement that does not permit dogs. The tenant stated that she is on friendly terms with the upstairs tenants. The person who vandalized the property was the son of a former tenant. In regard to drug use, the tenant first stated that the upstairs tenants "do ten times more drugs" than she does; she then denied doing drugs but admitted being an alcoholic.

Analysis

In considering all of the testimony of the parties, I find that the landlord's testimony was more credible and consistent. The tenant stated that her daughter moved in with the dogs "for protection" after having witnessed her boyfriend being shot; however, they are "the friendliest dogs in the world." I find it somewhat unlikely that dogs acquired for protection because someone was in fear for her life would also be "the friendliest dogs in the world." Further, the tenant first suggested that she does do some drugs, and then she denied doing any drugs.

On a balance of probabilities, I find it more likely than not that the landlord's version of events is accurate. I find that the landlord has established that the tenant significantly interfered with or unreasonably disturbed other tenants, and it would be unreasonable or unfair to the other tenants to delay ending the tenancy. I therefore allow the landlord's application and grant an order of possession.

Conclusion

I grant the landlord an order of possession effective two days after service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.