

## **DECISION**

Dispute Codes      ET, O, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for an order of possession.

The hearing was conducted via teleconference and was attended by the landlord and his son who acted as his agent and interpreter and the tenant and her son who acted as her agent.

At the outset of the hearing, I explained the additional requirement imposed by Section 56 that while a landlord may meet the burden of proof in ending a tenancy for cause (Section 47) that it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under Section 47.

The tenants indicated that they have a hearing set for April 20, 2010 to cancel the 1 Month Notice to End Tenancy for Cause issued by the landlord. However, upon review of the tenant's application for their hearing, I note the tenants have not applied to cancel the 1 Month Notice to End Tenancy.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenancy began in March 2009 as a one year fixed term tenancy that converted to a month to month tenancy On March 1, 2010 for a monthly rent of \$1,000.00 due on the 1<sup>st</sup> of the month with a security deposit of \$500.00 paid in March 2009.

The landlord submitted into evidence the following documents:

- A copy of the first page of a 1 Month Notice to End Tenancy for Cause dated February 1, 2010 with an effective vacancy date of March 1, 2010; and
- A copy of a summary of the disputes from the landlord's perspective, including a number of items that may be considered as cause to end a tenancy.

The landlord's agent testified the behaviour of the tenants is unreasonable disturbing the landlord and his family who live above the rental unit by family members losing

sleep, increased arguments in the family home and one member of the family has had to move out.

### Analysis

The landlord has provided no evidence indicating any events or reasons why it would be unreasonable or unfair to wait for the landlord to apply for an order of possession for cause to resolve the issues of cause as noted in the landlord's 1 Month Notice to End Tenancy issued on February 1, 2010.

### Conclusion

Based on the above, I dismiss the landlord's application, in its entirety, without leave to reapply.

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: April 16, 2010.

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Dispute Resolution Officer