

## **DECISION**

### **Dispute Codes:**

**ET**

### **Introduction**

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an early end of the tenancy and an Order of possession.

The Agent for the landlord provided testimony that copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant via registered mail. Copies of a Canada Post receipt and tracking number for each tenant was submitted as evidence of service.

Registered mail is deemed served, pursuant to section 90 of the Act, on the fifth day after mailing. These documents are deemed to have been served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

### **Preliminary Matter**

The landlord's evidence submitted to the Residential tenancy Branch on April 30, 2010, was not served to the tenants. Therefore, I did not reference this evidence. The landlord was at liberty to provide testimony in relation to that evidence.

### **Issue(s) to be Decided**

Is the landlord entitled to end this tenancy early without the requirement of a Notice to End Tenancy?

Is the landlord entitled to an Order of possession?

### **Background and Evidence**

The tenants reside in a 4 unit building and commenced their tenancy on March 1, 2010. At the end of February, 2010, the landlord met both tenants in Edmonton and entered into a verbal tenancy agreement.

The landlord has received complaints of disturbance to another occupant of the rental unit property, caused by the tenants. The landlord issued a letter to the tenants dated March 10, 2010, which informed the tenants of the complaints and that the disturbance

to others was unacceptable. The tenants telephoned the landlord and said there would not be any further disturbances.

There were no other discussions with the tenants as the landlord felt it was “fruitless.” The landlord stated that notices for non-payment of rent and a 1 Month Notice ending the tenancy for cause have been issued to the tenants.

The landlord was informed of police attendance at the rental unit on April 21, 2010, as the result of a complaint against the tenants. The landlord believes the tenants were fighting and that investigation of a breach of the peace may have resulted. No details of the police inquiry were available to the landlord at the time of this hearing and no evidence as to whether this incident was founded or not was provided as evidence.

### Analysis

In order to establish grounds to end the tenancy early, the landlord must not only establish that he has cause to end the tenancy, but that it would be unreasonable or unfair to require the landlord to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the testimony of the landlord, I find that the landlord has failed to meet that burden.

In relation to sufficient cause, I have first considered the reports of disturbances and police contact. I find that there is evidence of other occupants of the residential property having been disturbed by the tenants and that these events may be considered in an Application to end the tenancy for cause.

Secondly, in the circumstances described I have considered if it would be unreasonable and unfair to require the landlord or other occupants of the residential property to wait for a notice to end the tenancy under section 47 of the Act.

I find, based on the information before me and on the balance of probabilities, that the disturbances reported by the landlord fail to support an Application for an early end to the tenancy and that it would not be unfair or unreasonable for the landlord to wait for a notice to end the tenancy to take effect.

The landlord is at liberty to submit an Application to end the tenancy for cause.

### Conclusion

The landlord's Application has been 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 19, 2010.

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Dispute Resolution Officer