



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes: ET, FF.

### Introduction:

This hearing deal with an application by the landlord seeking to end this tenancy early pursuant to section 56 of the *Act*.

Despite being served by registered mail sent on January 14, 2011, the tenant did not appear and the hearing proceeded in the respondent's absence.

### Issue to be Determined:

Has the landlord shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Act* to take effect?

### Background and Evidence:

No copy of the tenancy agreement was in evidence. However, the landlord testified that this tenancy began on July 1, 2010 for the monthly rent of \$2,010.00. The security deposit of \$1,005.00.00 was paid.

The landlord is seeking to end this tenancy early based on serious complaints made by another renter in the complex. Copies of written communications from this individual were in evidence. Evidently there was a report of an assault, police attendance and an arrest. In any case, However, the landlord did not have first-hand knowledge about the alleged incidents, police presence nor arrest.

The landlord submits that these actions and breaches of the *Act* by the tenant are so egregious that the tenancy should be ended immediately and it would be unfair and unreasonable to wait for a one month Notice to End Tenancy to take effect.

The landlord also attempted to give evidence regarding the Ten Day Notice to End Tenancy for Unpaid Rent that had been issued pursuant to section 46 of the *Act*. However, the application before me was made under Section 56 in which the issue of rent is not a material consideration.

Analysis:

In making an application for an early end to this tenancy the landlord has the burden of proof to show cause for ending the tenancy, based on the tenant unreasonably disturbing other occupants, seriously jeopardizing the health, safety or lawful right or interest of the landlord and placing the landlord's property at significant risk. The landlord would then be required to prove that it would be unreasonable or unfair to the landlord or other occupants to wait for a one month Notice to End Tenancy for Cause under section 47 of the *Act* to take effect.

In this instance the landlord provided copies of written communications from only one individual describing an specific event and associated activity that disturbed the resident and apparently caused fear for the tenant's personal safety. However, the fact that the author of the complaint was not at the hearing affected the weight of this evidence. Based on the confidential nature of the complaint letter, I find it doubtful that this evidence was ever served on the respondent.

In any case, no testimony was given by a person who had actually been present to support the allegations being put forth as a basis to terminate the tenancy without Notice. Given the above, I am not satisfied that the landlord has met the burden of proof to show that it would be unreasonable or unfair for a one month Notice to End Tenancy to take effect. Therefore I find that the landlord's application must be dismissed.

Conclusion

I find that the landlord has not met the grounds to end this tenancy early pursuant to section 56 of the *Act* and I dismiss this application.

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: January 2011.

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Residential Tenancy Branch