



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF, O

### Introduction

This hearing dealt with an application by the landlord seeking to end the tenancy early and obtain an order of possession. Both parties participated in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on or about May 1, 2011. Rent in the amount of \$1675.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$837.50 and a pet deposit of \$837.50.

The landlords gave the following testimony; on November 7, 2011 they contacted the tenant to inquire about an unpaid utility bill, the tenant responded by making threats to burn the landlords property, the landlords are fearful of the tenants, the landlords called the local police to file a formal complaint, police attended later that evening and spoke to the tenant, the landlords stated the police officer informed them that he would be requesting that charges be laid against the tenant.

The tenant gave the following testimony; acknowledges the November 7, 2011 phone call and that the discussion became very heated, admits to calling the landlord names but adamantly denies that any threats were made.

### Analysis

The landlords provided a copy of an e-mail of their statement that they filed with the local police. That e-mail is the only documentation provided by the landlord for this hearing. The tenant provided two witness statements that dispute the landlord's allegations. The landlord questions the authenticity of these letters and asked that since they are not notarized, should not be part of this hearing. I asked the landlord whether charges had been laid against the tenant. The landlord's response was that the police officer was going to request charges be laid. However, there is no documentary evidence before me that has occurred. The landlord stated that they had other documentation that would support their claim but it was not submitted to the Branch for this hearing on this date.

In making an application for an early end to this tenancy the landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlords property at risk, and by proving 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.

Based on the testimony and the one e-mail letter provided by the landlord, I am not satisfied that the landlord has proven its case and is not entitled to an order of possession.

The tenancy remains in effect.

### Conclusion

The landlord's application is 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: November 17, 2011.

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Residential Tenancy Branch