

## **DECISION**

Dispute Codes      ET

### Introduction

This is an application filed by the Landlord for an order ending the tenancy early.

Both parties attended the hearing by conference call and gave testimony.

At the beginning of the hearing the Landlord stated that the Tenant was served with the notice of hearing documents and evidence by posting them to the door on November 17, 2011. The Tenant states that he received the notice of hearing document package, but that there was no evidence with the package. The Landlord states that the evidence is an email forwarded to him from the building manager. The email is from the building manager to an unknown third party. The Tenant has not submitted any evidence.

### Issue(s) to be Decided

Is the Landlord entitled to an order to end the tenancy early and obtain an order of possession?

### Background and Evidence

Both parties agreed that the rental unit is currently in acceptable condition.

The Landlord claims that the email evidence submitted refers to third party information that the Landlord cannot confirm. It refers to a smoke detector that was triggered on, water damage to unit #1003, police arrest of the Tenant at the property and the Tenant in the hallway of the property yelling in the early morning hours. The Landlord's agent states that he has no evidence to support any of these claims or of any complaints or statements that the Tenant was responsible or that the water damage originated from the PH3 rental unit.

### Analysis

As both parties have attended the hearing, I am satisfied that the Tenant was served with the notice of hearing documents and was able to respond to the Landlord's application.

I find based upon the direct testimony of both parties that the Landlord has failed to satisfy me that any of the grounds listed in section 56 (2) of the Residential Tenancy Act have occurred. On this basis, the Landlord's application is dismissed.

### Conclusion

The Landlord's application to end the tenancy early and obtain an order of possession 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 25, 2011.

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Residential Tenancy Branch