



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened in response to an application filed by the landlord seeking an early end to this tenancy.

Both parties appeared at the hearing of this matter.

Issue(s) to be Decided

Does the landlord have cause to end this tenancy early without notice?

Background and Evidence

The rental unit is in the basement of the landlord's home. The landlord and his wife testified that they are afraid of the tenant because he drinks, uses marihuana and becomes aggressive and violent. The landlord testified that on December 5, 2011 the tenant "sucker punched" him in the face after the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid rent. The police were called and the tenant was arrested for assaulting the landlord. The tenant has since been charged with assault and will appear in Court in February 2012 with respect to those charges. In evidence the landlord submitted photographs of his face showing a welt which the landlord says is from the punch. The landlord also submitted a letter from the New Westminster Police Service setting out that they were dispatched with respect to an assault. The landlord testified that there is a no contact order with respect to the tenant having any contact with the landlord.

The tenant admits that he has been charged with assault but says he will be defending himself of the charges. The tenant says he has not seen the landlord in four months. The tenant submitted an 11 point statement setting how the parties met. The tenant says that there has been trouble with respect to a barking dog. The tenant also says that a mutual friend of the parties has been threatened by the landlord and would not appear as a witness on behalf of the tenant as a result of this threat.

Analysis

Section 56 of the *Residential Tenancy Act* says that a landlord may make application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

The landlord says he was assaulted by the tenant. The tenant denies this and states that he has not seen the landlord in 4 months. The tenant has supplied evidence which talks of how the parties met and socialized however I find that it has little if any relevance to the matters at hand. The landlord has supplied evidence in the form of photographs of his injured face and a letter from the New Westminster Police respecting an assault that took place at the landlord's home on December 5, 2011. Both parties state that the tenant has now been formally charged with assaulting the landlord. Based on a balance of probabilities I find it is more likely than not that the tenant did assault the landlord.

Conclusion

I will allow the landlord's application to end this tenancy early and grant the landlord a two day Order of Possession. This Order may be filed in the Supreme Court and enforced as an order of that Court.

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: December 15, 2011.

Residential Tenancy Branch