



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord to end the tenancy early. Both the landlord and the tenant participated in the teleconference hearing.

Issue(s) to be Decided

Should the tenancy be ended early?

Background and Evidence

The tenancy began on March 1, 2011. The rental unit in question is a single-family dwelling. The rental unit shares a single driveway with another rental house on the same property which is rented to other tenants under a separate tenancy.

Landlord's Evidence

There has been violence occurring on the rental property. A lot of bikers have been coming on the property. On October 12, 2012, the tenant was beat up. The landlord is concerned about his other tenants living in neighbouring rental properties. The tenant threw a beer bottle at one of the landlord's other tenants.

Tenant's Response

The tenant did not incite any violence and he is incapable of fighting as he has been on disability for nine years. The tenant was a victim, and was pepper-sprayed. The tenant admits he drinks beer, but only from cans, and he did not throw a beer can at anyone.

Analysis

I find that the landlord has not provided sufficient evidence to support an early end of tenancy.

Under section 56 of the Act, the tenancy may only be ended early if the landlord provides sufficient evidence that the tenant has

1. significantly interfered with the landlord or another occupant of the residential property;
2. seriously jeopardized the health or safety or lawful right or interest of the landlord or another occupant;
3. put the landlord's property at significant risk;
4. engaged in illegal activity that
 - a. has damaged or is likely to damage the landlord's property,
 - b. has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or
 - c. has jeopardized a lawful right of another occupant or the landlord; or
5. caused extraordinary damage to the residential property

AND it would be unreasonable or unfair to the landlord or other occupants to wait for a notice to end tenancy for cause to take effect.

In this case, the landlord has expressed concerns about violence on the rental property. The landlord's evidence supports the tenant's testimony that he was a victim of violence, not the instigator. This does not amount to cause under the Act to end the tenancy for cause, or sufficient evidence to end the tenancy under section 56.

Conclusion

The landlord's application is dismissed and the tenancy continues.

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: October 22, 2012.

Residential Tenancy Branch