



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prang Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

ET, FF.

Introduction:

This Hearing dealt with the Landlord's application seeking to end this tenancy early and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to each of the Tenants, via registered mail, to the rental unit on April 12, 2014. The Landlord provided the registered mail receipts and tracking numbers in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that both of the Tenants were duly served with the Notice of Hearing documents and documentary evidence by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Issue to be Determined:

Is the Landlord entitled to an Order of Possession?

Background and Evidence:

This tenancy began on September 1, 2011. Monthly rent is \$715.00, due on the first day of each month. The Tenants paid a security deposit of \$350.00.

The Landlord is seeking to end this tenancy early because 8 months ago the Tenants started bringing buggies full of cans into the common area at the rental property, which attract rodents. The Landlord's agent stated that the Tenants have started putting cardboard into the locks of the court yard gates, allowing other can collectors to come into the courtyard. The Landlord's agent stated that the Tenants and the other collectors gather in the courtyard between 3:30 a.m. and 5:30 a.m.

The Landlord's agent stated that the other collectors are defacing the Landlord's property and that the police were called "four days ago" because people were fighting in the common area. The Landlord's agent testified that other occupants of the rental property are afraid to give testimony.

The Landlord provided a copy of a Notice to End Tenancy for Cause in evidence. The Notice was issued March 31, 2014, with an effective date of May 1, 2014.

Analysis:

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 landlord's property at significant 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.

I am satisfied that there may be cause to end this tenancy pursuant to Section 47 of the Act; however, I do not find it is unfair or unreasonable for the One Month Notice to End Tenancy to take effect. I make no finding with respect to the validity of the Notice to End Tenancy for Cause that the Landlord provided in evidence because this Hearing was scheduled on an expedited basis to deal with the Landlord's application for an early end to tenancy. I find that it is reasonable for the dispute between these parties to be determined on the basis of the merits of the One Month Notice to End Tenancy for Cause issued March 31, 2014, and it is not unfair to the Landlord or the other occupants to wait for that Notice to take effect.

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: May 01, 2014

Residential Tenancy Branch

