



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

The landlord has filed an application seeking an order to end the tenancy early and obtain an order of possession. Both parties participated in the teleconference. Both parties gave affirmed evidence.

Issue(s) to be Decided

Is the landlord entitled to have the tenancy end early and an order of possession?

Background and Evidence

This tenancy began on November 1, 2007.

The landlord gave the following testimony:

The landlord stated that the subject tenant has breached the "Crime Free Housing Addendum" of the tenancy agreement by breaking into and stealing a couch from another unit. The landlord stated that a tenant passed away and that the unit had been secured and locks were changed. The landlord stated that he was advised by a tenant that the subject tenant and another individual were heard planning to break into the unit and steal the couch. The landlord stated the couch was found a day later in the refuse area. The landlord requests an order of possession.

The tenant gave the following testimony:

The tenant disputes the allegation of the landlord. The tenant was adamant that he is not physically capable of lifting a couch. The tenant stated that he is 60 years old and blind in one eye and in poor health. The tenant stated that he did not do it and that there

is no proof of such. The tenant stated that the alleged witness and he have a history and that she has been making attempts to have him evicted.

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 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. In the landlords own testimony he acknowledged and conceded that there were no eye witnesses or video surveillance to support his position. Based on the insufficient evidence before me and on the balance of probabilities, I dismiss the landlords' application. The tenancy remains in effect.

Conclusion

The landlords' 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: August 19, 2014

Residential Tenancy Branch

