



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 Code: ET

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

The Tenant and the Landlord's agent IC gave affirmed testimony at the Hearing. The other attendees did not testify.

IC testified that he served the Tenant with the Notice of Hearing by registered mail sent on August 5, 2014. The Tenant acknowledged service in this manner.

Issue to be Determined:

Has the Landlord shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Residential Tenancy Act* (the "Act") to take effect?

Background and Evidence:

This tenancy began on May 1, 2012. The rental unit is in a building in which rent is geared to occupants' income.

IC gave the following testimony:

- On July 24, 2014, the occupant in suite 212 died. The Landlord replaced the lock and ensured that the doors and windows were secure.
- IC alleged that on July 25, 2014, the Tenant broke into suite 212 and stole the deceased occupant's couch. IC stated that the Tenant took the couch to a friend's suite, 102.
- IC testified that on July 27, 2014, the Landlord was notified of the break-in and on July 28, 2014, the Landlord received a letter from the occupant in 201 stating that she did not want the couch.

- The police were called and a file was opened.
- The Landlord wishes to end the tenancy because the Tenant signed an addendum to the tenancy agreement for crime free housing. A copy of the addendum was provided in evidence.

The Tenant gave the following testimony:

- The Tenant stated that the Landlord did not speak to him about the incident and that he knew nothing about it until he received the Notice of Hearing and the Landlord's documentary evidence.
- The Tenant stated that he has read the statements of two of the other occupants that were included in the Landlord's evidence package. He testified that neither of the two occupants like him and that one of them assaulted him. The Tenant testified that he believes that they fabricated the story to get rid of him and that none of it is true.
- The Tenant acknowledged that he sometimes has anger management issues, due to medical issues.

IC gave the following reply:

- IC replied that the Tenant assaulted one of the two other occupants.

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 early, such as unreasonably disturbing other occupants; seriously jeopardizing the health and safety or lawful right or interest of the landlord or another occupant; placing the landlord's property at significant risk; causing extraordinary damage to the rental property; or engaging in illegal activity that causes damage or affects the quiet enjoyment or other lawful rights of other occupants. The Landlord must also satisfy me 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 this case, I find that the Landlord has not provided sufficient evidence to support an early end to tenancy for the following reasons:

1. There was insufficient evidence that the Tenant assaulted another occupant and the Landlord did not claim that reason on its Application for Dispute Resolution. Respondents must be aware of the claim against them in order to prepare for the Hearing.

2. The Landlord's own document (addendum for crime free housing) states, "Violation of the above provisions, which form a reasonable and material term of the residential tenancy agreement, shall be good cause for a notice to end a tenancy". The Landlord **may** have cause to issue a One Month Notice to End Tenancy for Cause, but I find that the Landlord did not provide sufficient evidence that there is an immediate cause to end the tenancy early.

Conclusion:

The Landlord's application for an early end to tenancy and 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: August 20, 2014

Residential Tenancy Branch

