



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

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

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

The parties were also informed, at the beginning of the hearing, that I will not consider any of the evidence in which the names of the parties have been blacked out.

Issue(s) to be Decided

Has the applicant established the need for an early end to this tenancy.

Background and Evidence

The applicant testified that:

- There have been several incidents where the tenant has allowed his dogs to be unleashed, and on one occasion they attacked another tenant on the rental property.
- There are also many people coming and going from this rental unit and they suspect there may be a legal activity going on.
- The police have been to the rental unit more than 10 times.

- The other tenant of the rental property is fearful of the dogs and cannot even pick up his mail for fear of being attacked.
- They are therefore requesting that this tenancy be ended immediately.

The respondent testified that:

- His dogs have never attacked anyone at the rental property. At the time of the alleged attack the police were called and they confirmed that there was no attack and no injury.
- Secondly the dogs are no longer in the rental unit.
- These allegations are all false allegations fabricated by the landlords in an attempt to get rid of him.

Analysis

An arbitrator may grant an early end to the tenancy if the landlord can show that:

(a) The tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property, and

(b) It would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

An early end to a tenancy is only given in extraordinary circumstances and only when the applicant can show that situation is so extreme that it would not be reasonable to require the normal 1 clear month Notice to End Tenancy.

In this case it is my finding that the applicants have insufficient evidence for me to issue an Order for an early end to this tenancy.

The applicants testified that they suspect that there is illegal activity going on, however they provided no proof of any illegal activity.

The applicants testified that the respondents dogs have attacked another tenant; however again there is insufficient evidence to prove that attack took place.

I therefore will not allow the request for an early into this tenancy, and if the landlords wish to end this tenancy they will need to serve the tenant with a one month Notice to End Tenancy under section 47 of the Residential Tenancy Act.

Conclusion

This application for an early end to the tenancy is denied.

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: September 04, 2014

Residential Tenancy Branch