



Dispute Resolution Services

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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 have 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.

Issue(s) to be Decided

Have the applicant's established the right to an Order for the early end to this tenancy and an Order of Possession.

Background and Evidence

The applicants testified that:

- The respondent tenant's behavior is unpredictable and aggressive and as a result they have had to call the police.
- On two occasions, during heated discussions, the tenant has threatened the landlord/roommate by stating that she will have two men come and speak to him.
- After the first occasion he called the police, and the tenant made the same threat in front of the police, however they were unable to get a police report.
- There were no other witnesses to the threats.

The respondent testified that:

- She has never threatened the landlord, and in fact the only time that she had mentioned to the landlord that she would have someone come and speak to him was when he appeared to not understand what she was trying to tell him. She therefore told the landlord she would have a friend come and explain her position to him.
- The police were called, however nothing ever came of it because no threat was ever made.
- During the second incident, it was she who called the police due to the female landlord's aggressive behavior.

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.

The burden of proving a claim lies with the applicant and when it is just the applicant's word against that of the respondent that burden of proof is not met.

In this case, although landlords have alleged that the tenant made threats, it is just their word against that of the tenant and that is insufficient to meet the burden of proving the landlords claim.

Conclusion

This application for an Early End to the Tenancy and an Order of Possession 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

