



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord seeking an early end of tenancy and an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on December 24, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

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

Background and Evidence

The landlord gave the following testimony: The tenancy began on or about November 1, 2014. Rent in the amount of \$1100.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$550.00. The landlord stated that due to "the incident" that occurred she wishes for the tenancy to end. The landlord stated that "from what I gathered two people came over and kicked in the back door and started fighting with my tenant". The landlord stated that the backdoor to the kitchen was damaged along with two windows. The landlord stated that the tenant has installed surveillance cameras without the landlords' permission. The landlord stated that police attended to that incident and stated that it was targeted against her tenant. The landlord stated that she requests an early end of tenancy and an order of possession.

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. The landlord stated that she was not aware of any criminal charges against her tenant or any further issues other than the one incident.

Based on the testimony of the landlord and the very limited documentation before me and on the balance of probabilities, I am not satisfied that the landlord has proved its case and is not entitled to an order of possession.

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: January 12, 2015

Residential Tenancy Branch

