



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SALT SPRING ISLAND LAND BANK SOCIETY
and [tenant name suppressed to protect privacy]

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 having a witness present when personally serving them on August 28, 2016. 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 have the tenancy end early and to an order of possession?

Background and Evidence

The landlord gave the following testimony. The tenancy began on or about "sometime in 2006". Rent in the amount of \$380.00 is payable in advance on the first day of each month. The landlord stated that the tenant occupies one room in a shared living arrangement. The landlord stated that the tenant was involved in a physical altercation with another tenant. The landlord stated that the police attended and spoke to the subject tenant for quite a while.

The landlord stated that none of the witnesses would provide written statements or call into the conference as the tenant is difficult to live with. The landlord stated wasn't sure if this application was the right way to go about ending the tenancy as she feels the tenant will not threaten the property or the safety of the other tenants.

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 acknowledged that much of her information is second hand that she herself has not been present to observe the allegation of the physical altercation. Based on the vague and uncorroborated testimony of the landlord, I am not satisfied that the landlord has proved its case and is not entitled to an order of possession. The landlord has failed to prove 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 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: September 22, 2016

Residential Tenancy Branch