



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application to end the tenancy early, pursuant to section 56 of the Act. The landlord, the landlord's agent and the tenant participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Both parties were given full opportunity to give affirmed testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Should I order the tenancy to end early and grant the landlord an order of possession?

### Background and Evidence

The tenant stated that her tenancy began almost four years ago. The rental unit is an apartment in a multi-unit building.

On November 14, 2016 a teleconference hearing convened to deal with the landlord's application for an order of possession. The landlord did not attend the hearing, and the application was dismissed. On December 1, 2016 the landlord applied to end the tenancy early.

### *Landlord's Evidence*

The landlord stated that they have received many complaints about the tenant from other tenants in the building. The landlord stated that the tenant and her boyfriend, CB, yelled at each other in the building and the police had to be called. The landlord stated that there is no-contact order but the tenant still keeps inviting CB over and letting him in the building. The landlord was not sure of the last date that CB attended at the building. The landlord stated that the other tenants are scared of CB because of how he looks. The landlord stated that the other tenants have told the landlord that if the tenant stays in the building, they will move out.

In support of their application the landlord submitted a list of names and signatures of tenants in the building. Some of the signatures include a date of September 26, 2016. There is no indication on this document why the tenants have signed it. The landlord stated that they first submitted this list as part of their evidence for the hearing on November 14, 2016, and it used to have another page that indicated that the tenants were signing the list in support of having the tenant evicted.

The landlord stated that on November 14, 2016 they tried to call in to the teleconference hearing and waited on the line for an hour, but there was no hearing. The landlord stated that about two days after the November hearing, they called the Branch and explained what had happened and were told that there was nothing that could be done. In the application for that hearing the landlord indicated that they served the tenant with a notice to end tenancy for cause on October 1, 2016. The audit notes for that file show no record of the landlord calling in to the Branch after the hearing. There is also no record that the landlord applied for a review of the November hearing.

The landlord stated that the tenant left her stuff in the hallway and stairwell, and she did not clean up after the landlord asked her to do so. The landlord stated that the tenant spit at the landlord and yelled at the landlord's agent. The landlord stated that the tenant kept stomping on her floor, and when the police were called the tenant said that the noise must have been from the TV.

The landlord could not identify any specific incident that led to their application to end the tenancy early.

### *Tenant's Response*

The tenant responded that CB is not her boyfriend; rather, he is the father of her two-year-old son. The tenant stated that at the end of the summer CB contacted her because wanted to reconcile with her. The tenant stated that at first she let him in, but he started causing trouble and she realized he was on crystal meth, so she told him not to come back. The tenant stated that CB came back repeatedly but she did not buzz him in to the building. The tenant stated that when he got into the building she did not let him into her suite. The tenant stated that CB was the one dumping garbage outside her suite. The tenant stated that at the end of November 2016 CB left the city, and there have been no issues since.

The tenant stated that when she received the landlord's evidence she did not know what the list of tenant's signatures were for. The tenant stated that she talked two people who confirmed that they signed the paper because the landlord asked them to, but they had no idea what they were signing for.

The tenant stated that she did not stomp on the floor. The tenant stated that sound may have travelled when she was walking in her unit in her shoes, as there is no carpeting to muffle the sound.

The tenant stated that she was never served with a notice to end tenancy for cause, and did not see the landlord's notice to end tenancy dated November 14, 2016 until she received it in the landlord's evidence for this hearing.

### Analysis

Upon consideration of the evidence I find that the landlord's evidence does not support an order to end the tenancy early.

The landlord's application that was subject of the November 14, 2016 hearing was dismissed. The landlord did not apply for a review of that decision. As that application was dismissed, I have not considered any evidence of incidents prior to October 1, 2016, the date that the landlord allegedly served the tenant with the notice to end tenancy for cause.

The landlord did not provide sufficient evidence to show that the tenant or a person allowed on the premises by the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord. The landlord stated that there was no specific incident that led to filing this application. The landlord was not sure of the last time CB attended the building, and they provided no evidence to show that the tenant allowed CB in the building.

The landlord similarly failed to provide sufficient evidence that the tenant kept stomping on her unit floor or that she spit at the landlord or yelled at the landlord's agent. The list of tenants' signatures does not establish that other tenants wanted the tenant evicted. Further, as the only date indicated beside some of the signatures is September 26, 2016, a date prior to the October 1, 2016 notice to end tenancy, I have not considered the list of signatures in this application.

As the landlord failed to establish sufficient cause to support a notice to end tenancy for cause, it is not necessary for me to consider whether 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 for cause to take effect. The landlord's application for an early end of tenancy is dismissed.

### Conclusion

The landlord's application for an early end of tenancy and an order of possession is dismissed. The tenancy continues until such time as it ends in accordance with the Act.

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: December 29, 2016

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Residential Tenancy Branch