



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- An Early End of Tenancy and an Order of Possession pursuant to section 56;and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties participated in the teleconference. Both parties were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. At the outset of the hearing, the landlord advised that the tenant was not served any of the documentary evidence, accordingly; the landlords' documentary evidence was not considered when making a decision. The tenant did not submit any documentation for this hearing.

### Issues(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?

Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

The landlord gave the following testimony. The tenancy began on or about September 1, 2014. Rent in the amount of \$1900.00 is payable in advance on the first day of each month. The landlord testified that they have concerns that the tenant has sublet the basement suite out without permission, has caused damage to the unit through negligence and recklessness, and is not maintaining the unit in a reasonably clean and sanitary fashion. The landlord testified that the concern is that the tenant has put the property at great risk and seek to end the tenancy and be granted an order of possession.

The tenant gave the following testimony. The tenant testified that she adamantly disputes the landlords' claims. The tenant testified that the damage was caused by a leak in the roof and that the landlords were aware of that. The tenant testified that the landlord has not provided any evidence to support their allegations and the matter should be dismissed.

### Analysis

When a landlord makes an application for an early end to a tenancy, the landlord has the burden of proving that:

1. 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 landlord's property at significant risk; and
2. 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.

In this case, based on the lack of supporting documentation, I am not satisfied that the landlord has met the test for either ground. Based on the insufficient evidence before me at this time, I must dismiss this application.

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: November 06, 2017

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Residential Tenancy Branch