



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

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

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56.

The landlord testified that he and his wife personally served the tenant notice of this hearing on December 24, 2017. Based on the undisputed testimony of the landlord, I am satisfied that the tenant was served in accordance with Section 89 of the Act and the hearing proceeded and completed on that basis.

Issues(s) 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. This tenancy began on September 1, 2017 and that the monthly rent is \$900.00. The landlord testified that the upstairs tenant advised him that the subject tenant has burned "something" in his suite. The landlord testified that the police attended on several occasions and advised him to file for "an emergency end of tenancy". The landlord testified that the tenant also turns the power off and on in the home. The landlord is concerned that the tenant is going to burn the house down. The landlord testified that the tenant also leaves garbage all over the yard and that he has been fined twice by the city to for the messy yard.

Analysis

When a landlord makes an application for an early end to 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.

The landlords' testimony was based on second hand information from the upstairs tenant. The upstairs tenant did not participate in this hearing or provide a sworn statement. The landlord did not provide any e-mails, letters or text messages from the upstairs tenant to support his allegations. In this case, I am not satisfied that the landlord has met the second part of the test by showing that it would be unreasonable or unfair for a one month Notice to End Tenancy to take effect. I am satisfied that there *may* be cause to end this tenancy pursuant to Section 47 of the Act; however, I do not find it is unfair or unreasonable for the landlord to wait for a One month Notice to End Tenancy for Cause to take effect.

Conclusion

I dismiss the landlord's application in its entirety.

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 10, 2018

Residential Tenancy Branch