



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 an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. 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 January 19, 2012*. 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?

Background and Evidence

The tenancy began on or about December 1, 2011. Rent in the amount of \$550.00 is payable in advance on the first day of each month.

The landlord gave the following testimony; the tenant keeps the TV on till late at night at a very loud volume, landlord alleges that he was assaulted by the tenant, and the tenant plays with the electrical breakers in the house.

Analysis

The landlord has submitted a one page hand written statement as his documentary proof that he wishes to rely on. The landlord stated that he was assaulted but doesn't know if any charges are being approved and was unable to provide a witness statement corroborating his story. The landlord also advised that the tenant "hasn't been around for a few days" and might have moved out. I also note that the landlord did not provide a signed tenancy agreement that he said he has, nor did he submit any warning letters or any means of communicating these issues to the tenant.

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.

Based on the testimony and the one letter provided by the landlord and the lack of evidence that this person actually lives there, I am not satisfied that the landlord has proved its case and is not entitled to an order of possession.

Conclusion

The landlord's 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 26, 2012.

Residential Tenancy Branch