



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: ET, FF

Introduction

This hearing was convened upon the application of the landlord for an early end of tenancy and to recover the filing fee for the cost of this application.

The tenants did not attend the hearing. The landlord gave evidence under oath.

Background and Evidence

The landlord testified that he served the tenants with the Application for Dispute Resolution hearing package by way of personal delivery to the tenants. The landlord advised that he no longer needed to proceed with the application because the tenants had agreed to move out. However, the landlord requested an Order of Possession in case the tenants decided not to move. To support his application the landlord testified that the tenants made noise and called the police.

FINDINGS

In order to grant the landlord an Order of Possession I will have to consider whether there are grounds for an early end of tenancy.

An end of tenancy under Section 56 means that a tenancy will end without giving proper notice as allowed elsewhere in the Act such as a notice to end tenancy for cause or for non-payment of rent. An early end of tenancy is a remedy to be applied in extraordinary situations. In this case, the landlord has testified that the tenants make noise and have called the police to the rental unit.

None of the evidence provided in this case supports a finding that any of the extraordinary circumstances exist such that it would be unreasonable or unfair for the landlord to wait for a notice to end the tenancy under Section 47.



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I therefore dismiss the landlord's application for an early end to this tenancy and along with his request for an Order of Possession