



# Dispute Resolution Services

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

## Decision

Dispute Codes: ET, FF

### Introduction

This hearing dealt with the landlord's application for an early end to tenancy and recovery of the filing fee. Both parties appeared at the hearing and were provided the opportunity to be heard.

### Issue(s) to be Decided

1. Whether the landlord is entitled to end the tenancy earlier than had a Notice to End Tenancy for Cause been issued upon the tenants.
2. Award of the filing fee.

### Background and Evidence

The landlord testified that the tenants have not paid rent for March 2009, have been late paying rent in the past and have stored junk in the back yard. The landlord provided a copy of a *10 Day Notice to End Tenancy for Unpaid Rent and Utilities* as evidence for the hearing.

The tenants admitted not paying rent for the month of March 2009 but claimed they had reached an agreement for rent and repairs with the other person that is an agent for landlord. The other agent for the landlord did not appear at the hearing. I heard the other agent for the landlord is out of the country at the time of this hearing. The tenants claimed that the junk has been cleaned up.

### Analysis

The Act permits a landlord to make an application to request an Order authorizing the landlord to end the tenancy and regain possession of the rental unit earlier than it would end if the landlord had served the tenant with a Notice to End Tenancy for Cause.

Reasons for ending the tenancy for cause include significant interference or unreasonable disturbance of another occupant or the landlord, causing serious jeopardy to the health or safety or lawful right of the landlord or another occupant, putting the landlord's property at significant risk, causing extraordinary damage to the property and engaging in illegal activity that is likely to cause damage or adversely affect the safety of other occupants. To warrant an early end to a tenancy under section 56 of the Act, it must be shown that the tenant, or a person permitted on the property by the tenant has engaged in the activities described above, and that it is unreasonable or unfair to the landlord or other occupants of the residential property to wait for the effective date on a *1 Month Notice to End Tenancy for Cause*.

Unpaid rent and late payment of rent are reasons to end a tenancy in accordance with sections 46 and 47 of the Act, but those reasons are not the reasons required under section 56 of the Act which is the section under which the landlord has made this application. I did not find that the tenants' storage of materials in the back yard was likely to cause extraordinary damage to the property or health or safety issues for the other people or significantly interfering with or unreasonably disturbing other occupants. Therefore, I do not find sufficient grounds to end the tenancy early. I make no award for recovery of the filing fee.

I heard that the tenants had not paid rent and I heard that there was some sort of agreement between the parties concerning payment of rent and completion of repairs,

but those matters are not part of an application for early end to tenancy and not before me to decide at this hearing. Rather, the parties were encouraged to resolve the issue of outstanding rent and repairs amongst themselves; however, if the parties cannot resolve these issues, the parties may make separate applications for dispute resolution. The tenants were informed of their obligation to pay rent even where the landlord fails to comply with the Act, unless the tenants have the legal right to withhold rent, such as an order from a Dispute Resolution Officer.

With this decision, both parties have been provided with a copy of *A Guide for Landlords and Tenants in British Columbia* in order to become more familiar with their respective rights and obligations under the *Residential Tenancy Act*.

#### Conclusion

The landlord's request for an early end to tenancy is dismissed without leave.

March 19, 2009

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Date of Decision

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Dispute Resolution Officer