



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPR

Introduction

This hearing dealt with an application from the landlord for an early end to tenancy and an order of possession. Agents for the landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, neither tenant appeared.

Issue to be Decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the original term of tenancy was from April 1, 2006 to March 31, 2007. Thereafter, tenancy has continued on a month-to-month basis. Currently, rent in the amount of \$695.00 is payable in advance on the first day of each month. A security deposit of \$320.00 was collected on March 30, 2006. A pet deposit in the total amount of \$150.00 was collected in two installments: \$75.00 on June 29, 2006 and \$75.00 on July 31, 2006.

Arising from the landlord's concerns about the conduct and behaviour of one of the two tenants in particular, the landlord issued a 1 month notice to end tenancy for cause.

Reasons identified in the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- put the landlord's property at significant risk

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

The landlord's agent testified that the 1 month notice was dated March 11, 2009 and was served by insertion into the tenants' mailbox on that same date. Continued incidents involving aggressive and threatening behaviour on the part of the tenant led to the landlord's application for an early end to tenancy and an order of possession effective before the date shown on the notice which is April 30, 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord's agents, I find that the tenants were served with a 1 month notice to end tenancy for cause. There is presently no record or evidence of the tenants having disputed the notice by filing an application for dispute resolution. In consideration of all the documentary evidence which includes letters from other residents in the building who have been disturbed by the tenant's behaviour, I find that the landlord is entitled to an early end to tenancy and an order of possession.

Section 56 of the Act speaks to an **Application for order ending tenancy early**, and provides in part:

56(1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

Once again, having considered the documentary evidence and the undisputed testimony of the landlord's agents, I am satisfied that the landlord has met the requirements set out in section 56(2) of the Act in regard to issuance of an order bringing an early end to tenancy. Accordingly, I grant the landlord an early end to tenancy and an order of possession effective not later than **two (2) days** after service upon the tenants.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: March 23, 2009

Dispute Resolution Officer