



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPC

Introduction

This hearing dealt with an application from the landlord for an early end to tenancy and an order of possession. Both parties participated in the hearing and gave affirmed testimony.

Issue to be Decided

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

Background and Evidence

There is no written residential tenancy agreement in place for this tenancy which began on a month-to-month basis on November 20, 2008. Rent in the amount of \$480.00 is payable in advance on the first day of each month, and a security deposit of \$240.00 was collected on November 20, 2008. Neither a move-in condition inspection nor report were completed at the start of tenancy.

The landlord issued both, a 10 day notice to end tenancy for unpaid rent, and a 1 month notice to end tenancy for cause on February 19, 2009. A hearing is presently scheduled to commence at 10:30 a.m., April 22, 2009 in regard to the tenant's application for dispute resolution in response to these notices.

As a result of the landlord's concerns about the conduct of the tenant and his visitors, subsequent to serving the above two notices the landlord made application for an early end to tenancy and an order of possession. During the hearing the parties engaged in a conversation in order to attempt to resolve their dispute.

Analysis

Pursuant to section 63 of the Act, through their conversation during the hearing the parties reached a settlement of their dispute. Specifically, the parties agreed that the tenancy will end on March 25, 2009 and, to this effect an order of possession will be issued in favour of the landlord for that date.

For the reference of both parties, following are the provisions set out in section 56(1) & (2) of the Act which speak to an **Application for order ending tenancy early**:

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 the 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.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
 - (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
 - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;

(iii) put the landlord's property at significant risk;

(iv) engaged in illegal activity that

(A) has caused or is likely to cause damage to the landlord's property,

(B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

(C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

(v) caused extraordinary damage to the residential property, and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

Further, section 56(3) of the Act provides:

56(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end tenancy.

The above statutory provisions can be found along with other information relevant to the landlord-tenant relationship on the website: www.rto.gov.bc.ca/

Should the above agreement resolve all matters of dispute to be addressed at the hearing presently scheduled to begin at 10:30 a.m. on April 22, 2009, the tenant is requested to inform the Residential Tenancy Branch. In that event, the parties may agree to cancellation of that hearing.

Conclusion

Pursuant to all of the above information and the agreement reached between the parties, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Wednesday, March 25, 2009**. This order must be served on the tenant. Should the tenant 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 18, 2009

Dispute Resolution Officer