



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** ET

## **Introduction**

This hearing dealt with an application from the landlord for an early end to tenancy and an order of possession. The landlord's agent participated in the hearing and gave affirmed testimony. Despite posting of the application for dispute resolution and notice of hearing in a conspicuous place on the front door to the unit, 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 month-to-month tenancy began on February 1, 2009. Rent in the amount of \$950.00 is payable in advance on the first day of each month, and a security deposit of \$300.00 was collected at the start of tenancy.

By letter dated February 28, 2009, the landlord informed the tenants of concerns related to the nature of their behaviour and conduct. On or about March 21, 2009, the landlord entered the unit for the purpose of a fire inspection. In spite of advance notice of the inspection, neither tenant was present in the unit at that time. Arising from the landlord's concern about the condition in which he found the unit during the inspection, he had pictures taken which were submitted into evidence. In addition to belongings strewn around the unit and carpet stains, pictures show graffiti spray painted on the walls of the unit. The landlord's agent testified that one of the tenants appears to have vacated the unit early in March, whereas the status and whereabouts of the other tenant is unknown.

## **Analysis**

Section 56 of the Act speaks to **Application for order ending tenancy early**. In particular, section 56(2)(a)(v)(b) & (3) states:

56 (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:

(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.

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

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the landlord has satisfied the statutory requirements set out above in regard to issuance of an order bringing an early end to tenancy. Accordingly, I grant the landlord and 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: April 2, 2009

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Dispute Resolution Officer