

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 was an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the recovery of the filing fee pursuant to section 72.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The landlord served the tenant with a notice to end tenancy for cause on June 02, 2009 with an effective date of July 01, 2009.

The landlord filed a written submission stating that the tenant's spouse verbally abused and pushed a staff member and threatened to hit him with a brick. This incident occurred on June 09, 2009 and the landlord made this application for an early end to tenancy on the same day.

During the hearing the tenant stated that she was in the process of moving out and intended to hand over the keys to the landlord on or before 1:00p.m. June 25, 2009. The landlord agreed to this arrangement.

Analysis

Pursuant to section 63 of the *Act*, during the hearing the parties exchanged proposals and achieved a resolution of the dispute.

Specifically, the parties agreed that:

- The tenant will move out on or before 1:00 p.m. on June 25, 2009
- An order of possession will be issued in favour of the landlord effective on or before **1:00 pm, June 25, 2009**

Section 56 is an extraordinary remedy that is reserved for situations in which there is a clear and present danger, or a genuine threat of imminent harm of such an extreme nature that it would warrant immediate intervention and removal of the tenant from the premises.

While the landlord may have established cause to end the tenancy upon one month's notice, the landlord has not established grounds for an extraordinary remedy such as an immediate removal of the tenant from the premises. Therefore, I find that the landlord must bear the cost of filing this application.

Conclusion

The landlord is granted an order of possession. The tenant must be served with the order of possession. 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.

Dated June 17, 2009.

Dispute Resolution Officer