



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

ET

Introduction

This Dispute Resolution hearing was convened to deal with the landlord's application seeking an order to end the tenancy early without notice to the tenant.

Both parties appeared and gave testimony in turn.

Issue(s) to be Decided

The landlord is seeking an Order of Possession based on section 56(1) of the *Residential Tenancy Act*, (the *Act*), which permits the landlord to end a tenancy without notice to a tenant in certain restricted and compelling circumstances. In making a determination on this matter, the following issue must be to be decided based on the testimony and the evidence presented during the proceedings:

- Has the landlord established sufficient proof that the criteria contained in section 56(2) of the *Act* has been met to justify ending the tenancy and entitle granting an Order of Possession under the *Residential Tenancy Act*, (the *Act*). This requires a determination of whether both of the following has occurred:
 - a) the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed , seriously jeopardized the health or safety or a lawful right or interest of the landlord or other occupants, or has put the landlord's property at significant risk or engaged in illegal activity that has resulted in causing damage, and affecting the quiet enjoyment, security, safety, physical well-being, lawful right or interest of another occupant of the residential property, and

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

Background and Evidence

Submitted into evidence by the landlord was a written statement explaining the reasons for the landlord's request to end the tenancy early without notice, a photograph and a written statement from a witness. The landlord testified that the tenancy began approximately 4 years ago and that there were some minor problems with the tenancy. However, recently when the landlord served a Ten-Day Notice on the tenant, a confrontation took place that alarmed the landlord, and although the tenant apologized, the landlord is not willing to maintain the tenancy.

The tenant testified that he is aware that the tenancy relationship has been irreparably damaged, and that he owes rent. The tenant is also cognizant of the fact that, even without an order for early termination under section 56(2) of the Act, the landlord has grounds to justify ending the tenancy pursuant to the Ten-Day Notice issued on August 17, 2009. However, he stated that he was hopeful of paying \$900.00 of the arrears immediately and the remainder on September 12, 2009, in order to remain in the unit until the end of September if possible.

A mediated discussion ensued and the parties agreed that the tenancy should end. The date for the Order of Possession is September 6, 2009. That being said, the parties are still at liberty to make any arrangements between them that would suite their mutual purposes in regards to the timing and manner of ending this tenancy.

Conclusion

Accordingly, I hereby order that this tenancy is ended and grant the Landlord an Order of Possession. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

August 2009

Date of Decision

Dispute Resolution Officer