

Decision

Dispute Codes: ET / OP

Introduction

This hearing dealt with an application by 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 the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began in early June 2010, with the tenant's portion of monthly rent set at \$512.00.

Arising from concerns about the conduct and behavior of the tenant, the landlord seeks an early end to tenancy and an order of possession. However, during the hearing the parties undertook to reach agreement around a less abrupt end date to tenancy.

Analysis

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

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:

- (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.

(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.

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a conditional resolution. Specifically, it was agreed as follows:

- that the tenant will vacate the unit by not later than 1:00 p.m., Tuesday, November 30, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenant undertakes to ensure that rent will be paid for November 2010 according to the terms of the tenancy agreement;
- that, in the meantime, should the conduct and behavior of the tenant lead to renewed concerns about the tenancy, such as those set out in the above legislation, the landlord may reapply for an early end to tenancy and an order of possession to be effective as soon as possible.

Conclusion

Pursuant to the above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Tuesday, November 30, 2010**. 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: October 27, 2010

Dispute Resolution Officer