



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      ET, OPC, & FF

### Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession to the rental unit. The landlord seeks an Order of Possession on the grounds that the landlord has cause related to a breach of the tenancy agreement, *Act*, or regulations by the tenant. The landlord also seeks an early end to this tenancy pursuant to section 56 of the *Act*.

Section 56 of the *Act* is an extraordinary remedy which grants the Director authority to end a tenancy without a notice of end tenancy if sufficient cause is established and the landlord demonstrates that it would be both unfair and unreasonable to allow the tenancy to continue until a one month Notice to End Tenancy under section 47 would take effect.

The landlord appeared, gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. The landlord testified that the tenant was served in person with the landlord's application and notice of this hearing on November 6, 2010.

I accept that the tenant has been served with notice of this proceeding in accordance with section 89 of the *Act* and I proceeded with the hearing in the tenant's absence.

### Issues(s) to be Decided

Has the tenant breached the tenancy agreement, *Act* or regulations entitling the landlord to an Order of Possession?

### Background and Evidence

This tenancy began on June 1, 2010 for the monthly rent of \$600.00 and a security deposit of \$300.00.

On September 28, 2010 the landlord served the tenant with a one month Notice to End Tenancy for Cause pursuant to section 47 of the *Act*. The effective date of the notice was October 31, 2010. The tenant had the opportunity to dispute the notice by filing an application for Dispute Resolution within 10 days of receiving the notice to end tenancy. There is no evidence that the tenant exercised this right.

On October 31, 2010 the landlord accessed the rental unit, after having served proper notice. The landlord stated that during the inspection of the rental unit there was a confrontation with the tenant which resulted in the tenant physically assaulting the landlord. The police were called and apparently the tenant has been charged with a criminal offence.

The landlord seeks an Order of Possession based on the effective notice to end tenancy. The landlord stated that the tenant has only been back at the rental unit once since the incident occurred and there is still most of the tenant's possessions in the rental unit.

### Analysis

I accept that the tenant was served in person with a one month Notice to End Tenancy for Cause. The tenant had 10 days to exercise the right to dispute the notice. I have no evidence that the tenant disputed the notice and pursuant to section 47(5) of the *Act* I find that the tenant accepted the end of the tenancy as of October 31, 2010.

On this basis I grant the landlord's request for an Order of Possession effective **two (2) days** after the notice has been served upon the tenant. If the tenant does not comply with the Order then the landlord must receive an Order from the Supreme Court of British Columbia to take possession of the rental unit.

### Conclusion

I grant the landlord's application and have issued an Order of Possession to the landlord. I also Order that the landlord may recover the \$50.00 filing fee from the tenant by deducting it from the tenant's security deposit.

Dated: November 30, 2010.

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Dispute Resolution Officer