



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an early end to the tenancy and an order of possession.

The hearing was conducted via teleconference and was attended by the landlord and building manager and the tenant.

The tenant noted that he did not receive any evidence from the landlord. The landlord testified that he served all his evidence on the tenant in the same package that contained the notice of hearing documents that had been delivered via courier.

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an order of possession to end the tenancy earlier than would be allowed under Section 47, pursuant to Section 56 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted a copy of a tenancy agreement signed by the parties on July 1, 2009 for a 1year fixed term tenancy beginning on July 1, 2009 that converted to a month to month tenancy on July 1, 2010 for a monthly rent of \$740.00 due on the 1st of the month and a security deposit of \$370.00 was paid.

The landlord also submitted several incident reports and witness statements from throughout the tenancy and from an incident on January 9, 2011, showing a history throughout the tenancy of behavioural complaints against the tenant.

The landlord testified that as a result of the tenants behaviour on January 9, 2011 and his previous behaviour the tenant is jeopardizing the health and safety of other tenants

and the landlord and his agents and as a result seeks to end the tenancy with out notice.

The tenant testified that on January 9, 2011 he had contacted the building manager to come and deal with a plumbing problem. He stated that when the building manager arrived at the rental unit he had with him a person who is not a tenant in the building who the tenant indicates had been stalking him throughout his tenancy and he would not let this person into his rental unit.

The building manager testified that as a result of the tenant's behaviour on countless previous occasions he does not feel safe entering the tenant's rental unit by himself and so when he received the several calls and messages from the tenant on January 9, 2011 regarding his plumbing problem he contact his helper John to come and help him with the work.

When they arrived the building manager testified that the tenant started yelling at his helper and would not let him go in to the rental unit and despite not feeling safe the building manager entered the rental unit to assess the problem, determined it required calling in a plumber but that the water had been turned off and would last until the following morning.

The building manager confirmed that a plumber attended the next day and appropriate repairs were completed without any incident.

Analysis

Section 56 of the *Act* allows a landlord to make an application for dispute resolution for an order to end a tenancy on date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (landlord's notice: cause).

When seeking to end a tenancy in this way the landlord must provide sufficient evidence to show that there is sufficient cause to end the tenancy such as significantly interfering with or unreasonably disturbing another occupant or the landlord and seriously jeopardizing the health or safety or a lawful right or interest of the landlord or another occupant and that it would be unreasonable or unfair to the landlord or other occupants to wait for a notice to end tenancy issued under Section 47 to take effect.

I accept the landlord's testimony that based on the ongoing issues related to the tenant's behaviour the landlord provide sufficient evidence to substantiate that there is cause to end the tenancy, however, the landlord has failed to provide sufficient

evidence to establish that it would be unreasonable, or unfair to wait for a 1 Month Notice to End Tenancy for Cause to take effect.

Conclusion

For the reasons above, I dismiss the landlord's application, in its entirety.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 21, 2011.

Residential Tenancy Branch