



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes:** ET, FF

### **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 each 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 under the *Residential Tenancy Act*? This requires a determination of whether the tenant or a person permitted on the residential property by the tenant has 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 jeopardized the lawful right or interest of another occupant of the residential property, **and** 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.

### **Background and Evidence**

The tenancy began in November 2010 with rent set at \$450.00 plus \$50.00 for utilities and security deposit of \$225.00 was paid. The tenancy agreement was submitted into evidence. The landlord made serious allegations that the tenant and her guests were disturbing and threatening the landlord and other occupants, using and selling drugs. The tenant denied these allegations.

However, a mediated discussion ensued in regards to a mutually agreeable date and the parties reached the following consensus: On consent of the parties, the tenancy

will terminate and the landlord will receive an Order of Possession effective 1:00 p.m. on Sunday May 1, 2011.

**Conclusion**

Accordingly, based on the mutual agreement of the parties, I hereby order that this tenancy will end by consent on May 1, 2011 and I hereby issue an Order of Possession in favour of the landlord, effective May 1, 2011. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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: March , 2011.

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Residential Tenancy Branch