



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 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 and entitle the Landlord to be granted 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 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.

Background and Evidence

The landlord had submitted into evidence a copy of a written statement by the landlord with a chronology of events, a copy of an affidavit from another resident in the complex and a copy of the tenancy agreement. The landlord was alleging that the tenant had bothered another resident by making unwelcomed sexual overtures and that the police recommended that the tenancy be ended through dispute resolution.

The tenant denied that he had significantly interfered with the other residents and had already apologized for his offensive conduct. The tenant testified that he is dealing with professionals for a substance abuse problem. The tenant stated that he is willing to vacate the rental unit.

A mediated discussion ensued and the parties agreed that the landlord would be granted an order of possession effective March 4, 2012 at 1:00 p.m. The tenant made a commitment that he would cooperate in permitting the landlord to show the unit and that he would try to vacate prior to the first day of March, 2012 if possible.

Conclusion

Accordingly, based on the mutual agreement of the parties, I hereby order that this tenancy will end by consent on or before March 4, 2012 at 1:00 p.m. and I hereby issue an Order of Possession in favour of the landlord, effective March 4, 2012. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

The tenant's security deposit refund must be administered in compliance with section 38 of the Act.

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: February 27, 2012.

Residential Tenancy Branch