



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

ET

### **Introduction**

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

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend. The landlord testified they he served the tenant with the Notice of Hearing documentation by personal service on April 02, 2012. I accept the tenant(s) was served in accordance with the requirements of the *Residential Tenancy Act (Act)* for the purposes of this hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to an order of possession without the requirement of a One (1) Month Notice, pursuant to 56 of the *Act*?

### **Background and Evidence**

The landlord testified into evidence that in February 2012 the landlord gave the tenant a Notice to End with an effective date of March 31, 2012. The tenant did not dispute the notice and indicated they would be vacating. The tenant did not vacate by March 31, 2012. On April 01, 2012 the tenant and landlord exchanged words and during this event the tenant came toward the landlord with a hammer. As a result the Police were called to keep the peace. The landlord provided a Police incident number.

### **Analysis**

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an order of possession without providing a 1Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy and that it would unreasonable or unfair to the landlord or other occupants of the residential property to wait for a notice to end the tenancy.

Based on the evidence submitted, I find the landlord has established the tenant or a person permitted on the residential property by the tenant has significantly interfered

with or unreasonably disturbed the landlord, and seriously jeopardized the safety of the landlord.

I also find, that the landlord has established that it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a notice to end tenancy issued under Section 47 to take effect.

I find that the tenancy will end as of this date. The landlord is entitled to an Order of Possession.

### **Conclusion**

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant 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: April 17, 2012

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Residential Tenancy Branch