



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: ET / OP

### Introduction

This hearing concerns the landlord's application to end tenancy early and obtain an order of possession. Both parties participated in the hearing and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began approximately 16 years ago.

The landlord received a letter from the local government authority dated July 11, 2012, notifying him of complaints to police and bylaw enforcement staff concerning loud music coming from the rental property, "the latest being July 9, 2012."

Following this, the landlord was advised pursuant to an electrical inspection conducted of the unit on August 14, 2012, that "the electrical system [in the unit] has been deemed too dangerous to remain connected." Accordingly, all power to the unit is presently disconnected and will remain so "until all deficiencies are corrected."

Subsequently, by letter dated August 15, 2012 the tenant stated that he was "removing all uninspected electrical work I have installed over the years..." and he gave notice of his intent to vacate the unit effective "at the end of Aug[ust], 2012." However, the tenant still presently resides in the unit.

Thereafter, by letter to the landlord dated September 12, 2012, the local government authority instructed the landlord to "remove the unsightly accumulation of discarded materials from [the rental] property."

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides in part as follows:

56(1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
- (b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
  - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
  - (iii) put the landlord's property at significant risk;
- (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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the documentary evidence and testimony, I find that the tenant has "seriously jeopardized the health or safety or a lawful right or interest of the landlord," and that the

tenant has “put the landlord's property at significant risk.” In consideration of all the circumstances, I also find that it would be unfair or unreasonable for the landlord to wait for a notice to end the tenancy for cause to take effect. Accordingly, I find that the landlord has established entitlement to an early end of tenancy and an order of possession.

#### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: September 18, 2012.

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Residential Tenancy Branch