



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend, although he was personally served with the application and Notice of Hearing on April 17, 2013

Issue(s) to be Decided

Should there be an early end to the tenancy?

Background and Evidence

The rental unit is basement suite. Until recently the landlord lived upstairs. Now the upstairs is occupied by a female tenant and her five year old daughter. The tenancy began April 1, 2013.

The landlord testified that the tenant has made inappropriate comments and sent text messages to the landlord and to the new occupant that are sexually inappropriate and harassing. She testified that she believes the tenant is in the process of moving out, but she requested an order for possession in the event that he does not leave. She provided copies of messages sent by the tenant. The police have been apprised and have opened a file.

Analysis and Conclusion

Section 56 (2) of the *Residential Tenancy Act* permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued

a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the rental property, or has seriously jeopardized the health or safety or the lawful right or interest of the landlord or another occupant, 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 section 47 [*landlord's notice: cause*] to take effect. Section 56 (3) of the *Act* provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The evidence of the landlord has satisfied me that the tenant has significantly interfered with or unreasonably disturbed the other occupants 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 section 47 to take effect. Accordingly I order the tenancy to be at an end effective today, April 26, 2013 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order 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 26, 2013

Residential Tenancy Branch

