



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 end to a tenancy and an Order of Possession.

The hearing was conducted via teleconference and was attended only by the landlord and their representative. I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* on July 09, 2013 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of mail registration.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to the provisions of Section 56(2) of the *Act*?

Background and Evidence

It must be noted that the landlord testified they gave the tenant a 1 Month Notice to End Tenancy for Cause in May 2013 which the tenant purportedly has since disputed and is to be heard July 31, 2013.

In respect to this matter the following is undisputed. The landlord testified the tenants have 2 dangerous dogs which they refuse to remove from the residential property. The landlord testified the tenants have allowed the dogs to defecate on the residential property. In addition the dogs bark and have been reported to display aggressive behaviour toward children. The landlord has reportedly incurred fines from the strata corporation in respect to the dogs conduct. Other tenants have complained to animal control about the dogs, and the landlord claim that animal control has said they are

prepared to remove the dogs on additional complaints. The landlord provided the tenants with a Notice to end on May 31, 2013 which the tenant subsequently disputed at the end of June 2013. As a result of the above the landlord seeks to immediately end the tenancy and obtain an Order of Possession.

Analysis

On preponderance of the available evidence in this matter I find the following. I find that **Section 56** of the *Act* is two-fold, in that it allows a landlord to request an end to a tenancy and for an Order of Possession without providing a 1 Month, if the landlord has cause to end the tenancy and that 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 to be effective.

Based on the evidence submitted, I find the landlord has not provided sufficient evidence to established sufficient cause to end the tenancy. Effectively, I am unable to find 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 : currently under dispute by the tenants. As a result, **I dismiss** the landlord's application for an *early end* to the tenancy.

Conclusion

The landlord's application **is dismissed** and the tenancy continues.

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: July 24, 2013



Residential Tenancy Branch

RTB-136

All decisions are binding and both landlord and tenant are required to comply.

The RTB website (www.rto.gov.bc.ca) has information about:

- How and when to enforce an order of possession:
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:
Fact Sheet RTB-100: *Review Consideration of a Decision or Order* **(Please Note: Legislated deadlines apply)**

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.rto.gov.bc.ca