



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 landlords' Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by both landlords and the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to an order of possession to end the tenancy early and without notice and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties agreed the tenancy is a month to month tenancy for a monthly rent of \$700.00 due on the 1st of each month with a security deposit of \$350.00 and a pet damage deposit of \$350.00 paid. The parties disagree on the start date of the tenancy: the landlord submits it began on December 1, 2012 and the tenant submits it began on November 29, 2012.

The landlord submits that the tenant failed to vacate the rental unit in accordance with a 1 Month Notice to End Tenancy for Cause issued on June 11, 2013 with an effective vacancy date of July 31, 2013.

The parties acknowledge they have a hearing set for September 10, 2013. The tenant submits that she has applied for more time to apply to cancel the Notice issued on June 11, 2013 and to cancel the Notice. The landlord submits that he has applied for an

order of possession based on the 1 Month Notice to End Tenancy issued on June 11, 2013.

The landlord testified that he had been advised that if he wanted to have the issue dealt with earlier than the September 10, 2013 hearing he could apply for an early end to the tenancy without notice.

The landlord did testify as to concerns and complaints of the other occupants in the residential property. However, he provided no evidence to support a need to end the tenancy any earlier than after a 1 Month Notice to End Tenancy could take effect.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - iii. Put the landlord's property at significant risk;
 - iv. engaged in illegal activity that
 - a) Has caused or is likely to cause damage to the landlord's property,
 - b) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
 - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 - v. caused extraordinary damage to the rental unit or residential property;
- b) 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.

Based on the testimony of the landlord I find the landlord has provided no evidence to establish that it would be unreasonable or unfair for the landlord or other occupants of

the property to wait for the 1 Month Notice to End Tenancy for Cause (under Section 47) to take effect.

Conclusion

Based on the above, I dismiss the landlord's Application in its entirety.

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: August 20, 2013

Residential Tenancy Branch

