



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP

Introduction

This hearing was scheduled in response to the landlord's application for an early end of tenancy and an order of possession. The landlord and tenant "BMP" attended and gave affirmed testimony.

Tenant "BMP" withdrew from the hearing approximately 5 minutes after the hearing began, but then promptly called in again with apologies. Following about 8 more minutes while both parties were in the hearing, the tenant again withdrew. However, by the time the hearing ended at approximately 11:55 a.m., tenant "BMP" had not again called in.

Issue(s) to be Decided

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

Background and Evidence

Before he left this hearing, tenant "BMP" testified that as a result of the tenants' application for dispute resolution, a hearing is scheduled to occur at 1:00 p.m., Wednesday, November 20, 2013, dispute codes identified in the tenants' application are as follows: CNR, ERP, MNDC, MNR, OLC, PSF, RP, FF.

There is no written tenancy agreement in evidence for this tenancy which began on June 23, 2013. Monthly rent of \$1,300.00 is due and payable in advance on the first day of each month, and a security deposit of \$650.00 was collected.

The landlord testified that pets are not permitted on the property and that, accordingly, a pet damage deposit was not collected. The landlord further testified to his understanding which is that the tenants own approximately 10 dogs and that they occupy the unit as well as the grounds located adjacent to the unit. The landlord testified that he has received complaints from neighbours about the dogs, and his

repeated instructions to the tenants to have the dogs removed have been ignored. The landlord is also concerned about what damage the dogs may be causing to the interior of the unit.

Documentary evidence submitted by the landlord includes a newspaper report of a “pair” of pit bulls attacking a cow belonging to a neighbour. The cow was subsequently euthanized, and in the tenant’s submission he claims that one dog belonging to tenant “LMJH’s” son was thereafter “put down.”

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

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

56(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 the affirmed / mainly undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving entitlement to an early end of tenancy and an order of possession. Specifically, I find that the tenants have seriously jeopardized the health or safety or a lawful right or

interest of the landlord, and that the tenants have put the landlord's property at significant risk.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants 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: November 12, 2013

Residential Tenancy Branch

