



# Dispute Resolution Services

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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 to tenancy and an order of possession. The landlord attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of hand delivery through the rental unit door, the tenant did not appear. Pursuant to the landlord's affirmed testimony, I find that the hearing package was sufficiently served for the purposes of the Act.

### Issue(s) to be Decided

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

### Background and Evidence

The unit which is the subject of this dispute is located in the basement portion of a house. The landlord (who is also the tenant's mother) lives on the main level of the house.

While the tenant moved into the unit in March 2013, a written tenancy agreement provides that the tenancy began on July 01, 2013. Monthly rent is \$425.00. No security or pet damage deposit was collected.

The landlord described a range of difficulties with the tenant, which include but are not limited to, his unauthorized entry into her living quarters, his unauthorized removal of her mail from what is a shared mail box, miscellaneous missing items from the garage, and his threatening / aggressive behaviour(s) which have led to her call(s) to police.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, 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 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:
  - (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;
- (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 affirmed / undisputed testimony of the landlord, I find that the landlord has established entitlement to an early end to tenancy and an order of possession. Specifically, I find that the tenant has "significantly interfered with or unreasonably disturbed" the landlord, and has "seriously jeopardized the health or safety or a lawful right or interest of the landlord," such that it would be "unreasonable, or unfair" to the landlord "to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect."

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: February 19, 2014

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Residential Tenancy Branch

