



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened in response to an application by the Landlord for an early end of tenancy and an Order of Possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. 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?

Background and Evidence

The tenancy started on February 1, 2012 on a fixed term to end on January 31, 2014. Rent of \$400.00 is payable monthly and during the tenancy the Landlord returned the security deposit of \$200.00 to the Tenant.

The Landlord states that at some point the Tenant threw a beer can at one of the Landlord’s houses. The Landlord states that on January 20, 2014 the Tenant was served with a one month notice to end tenancy for cause. The Landlord states that on January 26, 2013 the Tenant was also given a three month notice to move out of the

unit due to the expiry of the lease and to give the Tenant more time to find another unit. The Landlord states that the Tenant has until April 30, 2013 to vacate the unit. The Landlord states that no emergency or other actions by the Tenant have occurred that has caused the Landlord to make the current application. The Landlord states that the Tenant is now on probation with an order to stay away from the Landlords.

Analysis

Section 56 of the Act provides that a landlord may make an application to end a tenancy earlier than it would end if the landlord issued a 1 Month Notice to End Tenancy for Cause and obtain an Order of Possession in certain circumstances. It is not necessary for the landlord to issue a 1 Month Notice; however, the landlord must show that:

- (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;
 - (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 residential property, and
- (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.

Given the lack of evidence indicating that anything has occurred since serving the once month notice, given the lack of evidence of anything untoward occurring other than the throwing of a beer can and the Tenant being placed on probation, and considering that the Landlord has, since giving the Tenant a one month notice, extended the notice to end tenancy until April 30, 2014, I find that the Landlord has not substantiated any of the reasons to end the tenancy early or that it would be unreasonable to wait for the one month notice to take effect. As such I dismiss this application.

Conclusion

The Landlord's application is dismissed.

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 20, 2014

Residential Tenancy Branch

