



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding John Howard Society, Thompson Region
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although she was served with the application and Notice of Hearing.

Issue(s) to be Decided

Should there be an early end to the tenancy?

Background and Evidence

The rental unit is an apartment in Kamloops. The tenancy began in September, 2008.

The landlord's representative testified that because of the tenant's conduct she has applied for an early end of tenancy. The tenant has already been personally served with a one month Notice to End Tenancy for cause on March 31, 2014. The Notice to End Tenancy required her to move out of the rental unit by April 30, 2014. The tenant did not dispute the Notice to End Tenancy, but she has not moved out. She now has allowed other people to occupy the rental unit, contrary to the terms of the rental agreement, which provides that the building and rental units are single occupancy units only.

Analysis and Conclusion

Section 56 (2) of the *Residential Tenancy Act* permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other

matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the rental property, has seriously jeopardized the health or safety or the lawful right or interest of the landlord or another occupant, or put the landlord's property at significant risk 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 [*landlord's notice: cause*] to take effect. Section 56 (3) of the *Act* provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The evidence of the landlord has satisfied me that the tenant has put the landlord's property at significant risk 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. Accordingly I order the tenancy to be at an end effective today, June 9, 2014 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court 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: June 09, 2014

Residential Tenancy Branch

