



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 landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord and his agent.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on July 24, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5th day after it was mailed.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is 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 landlord submits the tenancy began in the spring of 2013 for a monthly rent of \$375.00 due on the last day of each month with a security deposit of \$187.50 paid.

The landlord submits that the tenant was initially well behaved but for about a year now the tenant has been disturbing other occupants of the property. The landlord states that the police have been called several times and they are on a first name basis with the tenant.

The landlord also submits that tenant has caused damage to the property and leaves the bathroom and kitchen facilities that are shared with other occupants and their guests in deplorable conditions.

The landlord stated that he had given the tenant a four month handwritten notice in November 2013 asking the tenant to vacate the property by the end of March 2014 but the tenant refused to do so and told the landlord he would have to issue a legal notice.

The landlord issued a 1 Month Notice to End Tenancy for Cause in June 2014 and the tenant submitted an Application for Dispute Resolution to cancel the Notice. A hearing has been set for August 26, 2014 to hear the tenant's Application.

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 landlord's undisputed testimony I accept the landlord has established cause to end the tenancy. However, I am not satisfied that the landlord has provided sufficient evidence to establish it would be unreasonable to wait for a notice 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 12, 2014

Residential Tenancy Branch

