



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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### 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 called in and participated in the hearing. He was assisted by his friend. I heard evidence from the named witness, who is a tenant of the landlord and occupies the suite above the rental unit with his wife and child.

### Issue(s) to be Decided

Should there be an early end to the tenancy?

### Background and Evidence

The rental is basement suite in a Vancouver house. The tenancy began in 2013.

The landlord testified that because of the tenant's conduct he has applied for an early end of tenancy. The landlord has also been ordered to end the tenancy because the rental unit is an illegal suite. The City of Vancouver has ordered the landlord to evict the tenant and to make repairs to the rental property.

The landlord testified that apart from the written demand from the City to end the tenancy, there are additional serious reasons for ending the tenancy. The landlord testified that the tenant has caused serious damage to the rental property by removing a portion of a load bearing wall in the rental property; the tenant has built an unauthorized structure in the back yard and he has threatened violence to the upstairs occupant by threatening him with a chainsaw. The police have been called to the rental property on several occasions.

The occupant of the upstairs rental unit testified on behalf of the landlord. He described the tenant's aggressive and threatening behavior directed at him and his wife. Several weeks ago he called the police after the tenant threatened to assault him with a chainsaw. The witness testified that the tenant has caused willful damage to the rental property and he is fearful that his daughter might be injured if the tenant breaks one of the windows in his unit. He said that the tenant has returned to the rental unit in the early morning hours in an intoxicated state and played very loud music at 4:00 A.M.

The landlord provided pictures of the exterior of the rental unit that showed an unauthorized structure built over the rear stairs of the rental unit and a large quantity of paint cans stored

outside the entrance to the rental unit. The tenant is using the rental property to perform some kind of construction work

### 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, or has seriously jeopardized the health or safety or the lawful right or interest of the landlord or another occupant, 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.

I find that some of the matters complained of by the landlord, while they would support a one month Notice to End Tenancy for cause do not constitute a proper basis for granting an early end of tenancy; these include the direction from the City to evict the tenant because of the unlawful basement suite that he occupies.

Other matters raised by the landlord are more serious, including the tenant's damage to the rental property and his threatened assaults upon other occupants.

I accept the testimony of the landlord's witness and I find that the tenant has significantly interfered with and unreasonably disturbed another occupant of the rental unit. I find as well that the tenant has caused damage to the rental property that has seriously jeopardized the health or safety or the lawful right or interest of the landlord and other occupants of the rental property.

The evidence of the landlord has satisfied me that the tenant has significantly interfered with or unreasonably disturbed the other occupants 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, August 6, 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: August 06, 2014

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Residential Tenancy Branch

