



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LLA Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an early end of tenancy and an order of possession. Despite having been served by registered mail with the application for dispute resolution and notice of hearing on October 6, 2014, the tenant did not appear.

Issue(s) to be Decided

Should the tenancy end early? Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is an apartment in Surrey. The tenancy began in July, 2009. The landlord claimed in the application that: "the tenant has let someone who has been evicted from the complex to live with him." The landlord said that the person staying with the tenant: "has a warrant and engages in illegal activity now in that suite."

The landlord did not disclose the name of the person said to be staying with the tenant. The landlord's representative said that he had been evicted from the complex several years ago; he did not provide any documents relating to the eviction. The landlord submitted a letter from the RCMP. The letter disclosed only that the police attended at the rental unit on September 23, 2014 with respect to a: "Breach of Peace".

The landlord has served the tenant with a one month Notice to End Tenancy for cause dated September 23, 2014. The Notice to End Tenancy requires the tenant to move out of the rental unit on October 31, 2014.

Analysis

Under section 56(2)(b) of the Act, in order to establish a claim for an early end to tenancy, the landlord must establish that “it would be *unreasonable, or unfair* to the landlord, the tenant or other occupants of the residential property, to wait for a notice to end the tenancy under section 47” (emphasis mine). I am not satisfied that this unreasonableness or unfairness exists. The landlord has complained about a person staying with the tenant who has been evicted and who has allegedly engaged in illegal activities, but I have not been given any statements or documentary evidence to establish that there is an urgent reason why the tenancy should be immediately ended, without the necessity of taking proceedings pursuant to the one month Notice to End Tenancy for cause. I have not been provided with convincing evidence that would justify the use of the extraordinary remedy of ending the tenancy without notice and accordingly I dismiss the landlord’s application. The landlord is at liberty to bring an application pursuant to a one month Notice to End Tenancy for cause. The landlord will bear the cost of the filing fee for this application.

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: October 27, 2014

Residential Tenancy Branch

