



# 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 an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession.

The landlord testified that she served the tenant with the notice of hearing and application for dispute resolution on November 19, 2014 by posting the package on the front door. Despite having been served with the notice of hearing, the tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

### **Issues to be Decided**

Is the landlord entitled to end the tenancy early?

### **Background and Evidence**

The tenancy started on September 01, 2014. The rental unit consists of a basement suite located in the landlord's home. The landlord lives upstairs.

The landlord testified that the tenant smoked marijuana inside the home which causes problems for the landlord and his family. On October 01, 2014, the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice and did not move out on the effective date of the notice to end tenancy. When the landlord asked the tenant about his plans to move out, the tenant threatened the landlord with violence. The female landlord stated that the tenant also threatened her father with violence. The landlords feared for their safety and that of their children and accordingly contacted the police for help.

### **Analysis**

Based on the undisputed testimony of the landlord, I find that the tenant received the notice to end tenancy, on October 01, 2014 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice.

In addition, based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and activities have seriously jeopardized the safety and security of the landlord and his family. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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: November 28, 2014

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Residential Tenancy Branch

