



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 called in and participated in the hearing. The tenant did not attend, although he was served with the application for dispute resolution and Notice of Hearing by registered mail sent on November 10, 2014.

Issue(s) to be Decided

Should there be an early end to the tenancy?

Background and Evidence

The rental unit is basement suite in the landlord's house in Nanaimo. The tenancy began on October 1, 2014.

The landlord testified that because of the tenant's conduct she has applied for an early end of tenancy.

The landlord testified that on November 5, 2014 the tenant made an explicit death threat to the landlord and threatened violence and destruction of the rental property. The landlord called the police after the tenant made the threat to kill her. The police attended, but did not remove the tenant. Because the landlord felt unsafe staying in the rental with her small children, she moved out to stay with her parents and has not returned to the rental property since November 5th. The tenant has not paid rent for November and he has also been using the property as a junk and scrap metal storage

yard. The City of Nanaimo wrote a letter of complaint to the landlord dated November 6, 2014.

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.

The evidence of the landlord has satisfied me that the tenant has made serious threats to her and that he has significantly interfered with or unreasonably disturbed the other occupants of the rental property and it would be unreasonable, or unfair to the landlord 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, November 18, 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: November 18, 2014

Residential Tenancy Branch

