



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 for an end to a tenancy and an Order of Possession.

The hearing was conducted via teleconference and was attended solely by the landlord. The landlord testified the tenant was personally served with notice of this hearing within a week of the landlord receiving the Hearing Package. The landlord acknowledged that neither this hearing nor the tenant were provided with additional evidence than the application's short details of the dispute.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession without the requirement of one (1) month's Notice to End Tenancy - pursuant to 56 of the *Act*?

Background and Evidence

The landlord provided that the tenant of 72 years suffers from dementia and has no one to assist them, but has been assessed by BC Social Services. The landlord claims the tenant has 4 cats which "threaten" damage to the residential property. The landlord was advised that Social Services would assist if the tenant were evicted. The landlord further testified that in the past year they have given the tenant 1 Month Notices to End for Cause, which have not been disputed by the tenant – the last one being in July 2015 – and which the landlord has not sought to enforce. The landlord did not provide evidence supporting that waiting for a 1 Month Notice to End for Cause to take effect would be unreasonable or unfair to the landlord.

Analysis

On preponderance of the limited evidence in this matter I find the following. I find that **Section 56** of the *Act* is two-fold, in that it allows a landlord to request an end to a tenancy and for an Order of Possession without providing a 1 Month, if the landlord has cause to end the tenancy and that 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 to be effective.

Based on all the evidence submitted, I find the landlord has established the tenant may be placing the landlord's property at risk or causing damage to the landlord's property. None the less, I do not find that there is *sufficient* evidence in this matter establishing that it would be unreasonable and unfair to the landlord to wait for a Notice to End tenancy issued under Section 47 to take effect. As a result, **I dismiss** the landlord's application for an early end to the tenancy. However, the landlord is at liberty to issue the tenant a 1 Month Notice to End Tenancy for Cause with an effective date at the end of the month following the month in which the Notice is given – in accordance with the Act.

Conclusion

The landlord's application **is dismissed**. The tenancy continues subject to a Notice effective to end the tenancy.

This Decision is final and binding on both parties.

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 03, 2015

Residential Tenancy Branch

