



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hardis Holdings Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened in response to an application by the Landlord pursuant to section 56 of the *Residential Tenancy Act* (the “Act”) for Order ending the tenancy early and for an Order of Possession.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Has the Landlord established that it would be unfair to wait for a notice to end tenancy to take effect?

Background and Evidence

On September 29, 2015 the Landlord posted a notice to end tenancy for cause (the “Notice”) to the Tenant’s door. The effective date of the Notice is stated as October 29, 2015 but is corrected to October 31, 2015. The Tenant disputed that Notice and a hearing is scheduled for December 4, 2015.

On October 11 and 12, 2015 the Tenant let a couple of people into the lobby of the building, one of whom was drunk. On October 23, 2015 the Tenant was arrested by the police and the Landlord discovered that another occupant is living in the unit with the

Tenant. The Landlord then made this application as the Landlord was able to obtain an earlier hearing date than the December 4, 2015 hearing. The Landlord believes that the Tenant is allowing people into the building and that these people are the cause of an increase in break-ins.

Analysis

Section 56 of the Act provides that a landlord may make an application for dispute resolution to request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy for cause were given and where, inter alia, 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 for cause to take effect. Although the Landlord has provided evidence of the Tenant's behavior that may or may not form a reason to end the tenancy for cause, there is no evidence of any imminent danger or other urgency. As the Landlord has already issued a Notice and as this matter will be decided within an approximate week, I find that the Landlord is not entitled to an earlier end of the tenancy and I dismiss this application.

Conclusion

The application is dismissed.

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 26, 2015

Residential Tenancy Branch

