



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WOODEN BEAR HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

ET and FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession, for an early end to the tenancy, and to recover the fee for filing this Application for Dispute Resolution.

The Agent for the Landlord stated that on August 24, 2016 the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord submitted with the Application were sent to the female Tenant, via registered mail. The female Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On September 13, 2016 the Tenant submitted 20 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was personally served to an agent for the Landlord on September 12, 2016. The Agent for the Landlord stated that approximately one week ago these documents were served to her sister, who is an owner of the company that is the Landlord of this rental unit. I find that these documents were served to an agent for the Landlord and they were accepted as evidence for these proceedings.

The parties were given the opportunity to give relevant oral evidence, to ask relevant questions, and to make relevant submissions.

Preliminary Matter

The Agent for the Landlord withdrew the Application for Dispute Resolution by removing the male Respondent, as she understands he has passed away. The Application has been amended accordingly.

Issue(s) to be Decided

Is the Landlord entitled to end this tenancy early and to an Order of Possession?

Background and Evidence

The Landlord and the Tenant agree that:

- this tenancy began on April 01, 2014;
- rent is due by the first day of each month;
- the Tenant was served with a One Month Notice to End Tenancy for Cause, dated August 08, 2016;
- the One Month Notice to End Tenancy for Cause declared that the Tenant must vacate the rental unit by September 30, 2016;
- the Tenant disputed the One Month Notice to End Tenancy for Cause; and
- a hearing has been scheduled for October 03, 2016 at which time the merits of the One Month Notice to End Tenancy for Cause will be considered.

The Agent for the Landlord stated that she filed this Application for Dispute Resolution in hopes of obtaining an expedited hearing at which the merits of the One Month Notice to End Tenancy for Cause could be considered.

The parties were informed that I have authority to “end a tenancy early” only if it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a One Month Notice to End Tenancy for Cause to take effect. The parties were advised that typically an application to end a tenancy early are granted when there is a significant, imminent risk to the personal safety of an occupant or the landlord or there is significant, imminent risk to the residential property.

The Landlord stated that the One Month Notice to End Tenancy that was served was largely due to a conflict between the Tenant and another occupant of the residential complex and she simply wants the Tenant to vacate on the effective date of that Notice, which is three days before the hearing scheduled for October 03, 2016.

Analysis

Section 56(1) of the *Residential Tenancy Act (Act)* stipulates that a landlord can apply for an order that ends the tenancy on a date that is earlier than the tenancy would end if a notice to end tenancy were given under section 47 of the *Act* and that the landlord may apply for an Order of Possession for the rental unit.

Section 56(2) of the *Act* authorizes me to end the tenancy early in a variety of circumstances, but only if it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a One Month Notice to End Tenancy for Cause to take effect.

I find that the Landlord did not introduce any evidence that would cause me to conclude that this tenancy should end prior to October 03, 2016, at which time the merits of the One Month Notice to End Tenancy for Cause will be considered. I specifically note that the Landlord did not introduce evidence of an imminent threaten to person or property and I therefore dismiss the Landlord's application for an early end to the tenancy.

Conclusion

The Landlord has not established grounds to end this tenancy early, pursuant to section 56 of the *Act*, and I therefore dismiss the Landlord's application to end the tenancy early and for an Order of Possession.

As the Landlord's application has been without merit I also dismiss the Landlord's application to recover the fee for filing this Application for Dispute Resolution.

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: September 21, 2016

Residential Tenancy Branch