



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *ET, FF*

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 also applied for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenancy started in May 2015. The tenant stated that he was part owner of the rental unit and paid the monthly mortgage. The landlord was firm in his testimony that the rental unit was owned solely by him and he provided documentary evidence to support his testimony. The evidence consisted of a title deed which confirms that the landlord is the sole owner of the property.

The landlord stated that the tenant started growing marijuana out of the rental unit and the landlord had heard about the possibility of the tenant being attacked due to some bad dealings. The landlord was also concerned for his property and on November 13, 2016, the landlord visited the rental unit to speak with the tenant.

The conversation went sideways and the parties argued. The landlord stated that the tenant assaulted him with blows to the face. The landlord provided photographs of his injuries. The landlord stated that he has pressed charges against the tenant. Shortly after the assault, the landlord noticed that the tenant had listed the rental unit for rent and filed copies of the advertisements into evidence.

On December 01, 2016 the landlord found that the tenant had moved out. The landlord has applied for an order of possession to put an early end to tenancy and for the recovery of the filing fee.

Analysis

Based on the landlord's testimony and the documents filed into evidence, I am satisfied that the tenant's behaviour has seriously jeopardized the landlord's safety and security.

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 and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further order the tenant to pay to the landlord the sum of \$100.00, being the cost of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for \$100.00.

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: December 16, 2016

Residential Tenancy Branch