



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

1

- an early end to this tenancy and an Order of Possession, pursuant to section 56;
- authorization to recover the filing fee for this application, pursuant to section 72.

Only the landlord's agent, L.K. (the "landlord") attended the hearing. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord explained that she handed a copy of her application for dispute resolution to the tenant on January 25, 2018. Pursuant to sections, 89 & 90 of the *Act*, the tenant is deemed with the application on the same day as service.

### Issue(s) to be Decided

Is the landlord entitled to an early end of tenancy?

### Background and Evidence

Undisputed testimony presented to the hearing by the landlord explained that this tenancy began on February 1, 2016. Rent at the outset of the tenancy was \$600.00, and a security deposit of \$300.00 paid at the outset of the tenancy continues to be held by the landlord.

The landlord has applied for an Early End of Tenancy, which would provide her with an immediate Order of Possession. As part of her evidentiary package, the landlord provided numerous letters of complaint from various tenants in the rental building which described the different ways in which the tenant is purported to have disturbed the other residents.

The landlord said that while no specific threats had been made towards her or towards other persons in the rental building, the tenant had repeatedly allowed unknown persons to access the building. She said some of these people have acted menacingly towards others and have caused disturbances on numerous occasions. She said that on several occasions, these unknown people had knocked on various tenants' doors inquiring about the whereabouts of the named tenant, had walked along the hallways screaming his name, or had attempted to gain access to the building by yelling from the street and by throwing rocks at the windows. The landlord continued by detailing the other ways in which the tenant is purported to have disturbed the other residents of the building, including cigarette and marijuana smoke emanating from the tenant's unit, late night visitors who cause a disturbance and purported drug use.

### Analysis

Section 56 of the *Act* requires the landlord to show, on a balance of probabilities, that the tenancy must end earlier than the thirty days indicated on a 1 Month Notice, due to the reasons identified in section 56(2) of the *Act* **AND** that it would be unreasonable or unfair for the landlord or other occupants to wait for a 1 Month Notice to take effect, as per section 56(2)(b).

On a balance of probabilities and for the reasons stated below, I find that the landlord's application fails the second part of the test under section 56(2)(b) of the *Act*. I find that the landlord did not provide sufficient evidence that it would be "unreasonable" or "unfair" to wait for their 1 Month Notice to be decided on the merits of a 1 Month Notice.

The landlord confirmed that the tenant was not charged with or convicted of any crimes and that she did not face any immediate threat. No police reports were produced by the landlords to reference any police calls made against the tenant. No witnesses testified at this hearing on behalf of the landlord, despite the fact that the landlord claimed that numerous people felt threatened by the tenant.

Accordingly, I dismiss the landlord's application for an early end to this tenancy and an Order of Possession.

### Conclusion

The landlord's application for an Early End of Tenancy 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: March 19, 2018

---

Residential Tenancy Branch