



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VANCOUVER MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

As the tenant confirmed that the landlord handed him a copy of the landlord's dispute resolution hearing package on or about May 10, 2018, I find that the tenant was duly served with this package in accordance with section 89 of the *Act*. As the tenant also confirmed that they had received a copy of the landlord's written evidence, I find that the landlord's written evidence was served in accordance with section 88 of the *Act*. The tenant did not supply any written evidence.

### Issues(s) to be Decided

Should this tenancy be ended early and should the landlord be issued an Order of Possession?

### Background and Evidence

The tenant testified that this rent geared to income tenancy began on March 1, 2013. The landlord's representatives testified that the tenant's portion of the current monthly rent is set at \$320.00, payable in advance on the first of each month, plus \$20.00 for hydro.

The parties confirmed that on May 23, 2018, they signed a mutual agreement to end this tenancy by August 31, 2018. Neither party supplied a copy of this mutual agreement to end this tenancy as written evidence for this hearing.

I advised the parties of the following provisions of section 56 of the *Act*, which establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an Order of Possession under section 56, I need to be satisfied that the tenant has done any of the following:

- *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;*
- *seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant.*
- *put the landlord's property at significant risk;*
- *engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;*
- *engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property;*
- *engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;*
- *caused extraordinary damage to the residential property, **and***

*it would be unreasonable, or unfair to the landlord, the tenant or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [landlord's notice: cause]... to take effect.*

In this case, the landlord has not issued any notice to end this tenancy.

After some discussion, Landlord Representative RH observed that it was unlikely that the landlord's May 23, 2018 signing of the mutual agreement to end this tenancy on August 31, 2018 would enable a decision to end this tenancy on the basis of section 56 of the *Act*. Accordingly, the landlord's representatives withdrew their existing application for dispute resolution.

Conclusion

The landlord's application for dispute resolution is withdrawn. This tenancy continues until ended in accordance with the *Act*.

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: June 11, 2018

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Residential Tenancy Branch