



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord filed under the Residential Tenancy Act, (the “*Act*”), for an early end of tenancy, an Order of Possession pursuant to section 56 of the *Act* and to recover the filing fee for this application. The matter was set for conference call.

The Landlord, a witness and the Tenant attended the hearing, and all parties were affirmed to be truthful in their testimony. The Landlord and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions, to call witnesses and to cross-examine one another at the hearing.

At the onset of the hearing, I explored service of hearing documents and evidence upon each other. I am satisfied that both parties had been served with the relevant evidence for this hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matter

The Landlord submitted an amendment request to his application, dated August 28, 2018, requesting to add a monetary claim to his application, in the amount of \$500.00.

As the Landlord's original application was for an emergency end of tenancy, I declined to allow the addition of a monetary claim to these proceedings.

Issues to be Decided

- Is the Landlord entitled to an early end of tenancy and an order of possession, pursuant to section 56 of the *Act*?
- Is the Landlord entitled to recover the filing fee paid for this application?

Background and Evidence

The parties testified that the tenancy began on June 1, 2018. Rent in the amount of \$900.00 is to be paid on the first day of each month and the Tenant paid the Landlord a \$450.00 security deposit.

The Landlord testified that since the beginning of the tenancy the Tenant has allowed her two dogs to roam freely on the property. The Landlord testified that he runs a business on the property and that the dogs represent a health and safety risk to himself and his clients. The Landlord testified that he has spoken to the Tenant several times regarding the dogs, telling her that she needs to keep them locked up and even locking the dogs up himself.

The Landlord's witness testified to a domestic dispute that occurred on the property between the Tenant and her spouse, on July 3, 2018. The Witness and the Landlord confirmed that the police were called to the property and the Tenant's spouse was removed. The witness testified that the Tenant's spouse came back two weeks later and that they had another dispute in which the police were again called.

The Landlord and his witness also testified that they had both witnessed the Tenant allowing drugs and unhealthy people on to the property. The Landlord and the witness testified that they could not allow the Tenant's tenancy to continue as it was interfering with the business that the Landlord was running on the property.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to tenancy and 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.

An application for an early end of tenancy is an exceptional measure, to be taken only when a landlord can show that it would be unreasonable or unfair for the landlord or other occupants to allow the tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

In order to end a tenancy early and issue an Order of Possession under section 56, I must 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 interest 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, or
- Engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- Engaged in illegal activity that caused extraordinary damage to the residential property.

In this case, I find that the Landlord and the witness were unable to provide specific details of the facts surrounding the reason for this application to end the tenancy early.

Overall, I find that the Landlord has fallen short of the standard required to obtain an order for the early end of tenancy under section 56 of the *Act*. I dismiss the Landlord

application for an early end of tenancy as I find it neither unreasonable or unfair that the Landlord would need to wait for a One Month Notice to take effect.

Conclusion

I dismiss the Landlord's application for an early end of tenancy and to recover the application fee. 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: September 12, 2018

Residential Tenancy Branch