



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET FF

### Introduction

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

- 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 R.W. 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 he sent a copy of his application for dispute resolution to the tenant on September 27, 2018 by way of Canada Post Registered Mail. A copy of the Canada Post tracking number was provided to the hearing. Pursuant to sections, 89 & 90 of the *Act*, the tenant is deemed with the application on October 2, 2018, five days after its posting.

### Issue(s) to be Decided

Is the landlord entitled to an early end of tenancy?

Can the landlord recover the filing fee?

### Background and Evidence

The landlord provided undisputed testimony that this tenancy began on August 1, 2018. Rent is \$1,200.00 per month and a security deposit of \$600.00 paid at the outset of the tenancy continues to be held by the landlord.

The landlord said he was seeking an emergency end of tenancy because the rental unit "doesn't feel safe." When asked to provide more detail on this, the landlord said the tenant had repeatedly failed to pay rent, had numerous items stored on the property which landlord alleged were stolen, and had allowed people to consume drugs on the property. The landlord said the police were called to the property on numerous occasions. When asked why he did not issue a 1 Month Notice for Cause, the landlord said, "I don't feel I should wait. My mother is 80 years old and doesn't feel safe." The landlord explained that in addition to applying for an Early End of

Tenancy, he had served the tenant with three separate 10 Day Notices to End Tenancy for Unpaid Rent.

### 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 no longer living in the property and only occasionally returned to the rental unit to attend to his belongings. The landlord failed to produce evidence of threats or bodily harm which were directed at him or his mother by the tenant, and much of the evidence provided by the landlord spoke to fears from the other occupants of the rental unit based on heresy.

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.

The landlord must bear the cost of his own filing fee.

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: October 16, 2018

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Residential Tenancy Branch