



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

The landlord attended the teleconference hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail the tenant did not attend this hearing, although I waited until 11:20 in order to enable the tenant to connect with this hearing scheduled for 11:00.

Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

The landlord testified that this month to month tenancy began on July 1, 2017. The monthly rent is \$750.00, due on the first of the month. The rental unit is one half of a duplex.

The evidence submitted by the landlord for seeking an early end to this tenancy is as follows.

- *The tenants and/or guests repeatedly parked vehicles in areas which the landlord designated as no parking despite several warnings;*
- *The tenant has removed and replaced the lock of the rental unit without the permission of the landlord;*
- *The tenant left what the landlord believes to be aggressive messages on the landlord's answering service; and*
- *The tenant left threatening notes for the previous tenants.*

Analysis

Section 56 of the *Act* 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a 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 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.

Based on the testimony of the landlord and my review of the written evidence, while clearly unsettling to the landlord, I find their evidence fails to prove that any of the circumstances described above exist or are of a sufficient nature such that it would be unreasonable or unfair to the landlord or other tenants to serve the tenant with a 1 month notice to end tenancy under section 47 of the *Act* and wait for that notice to take effect.

Consequently, I dismiss the landlord's application.

Conclusion

I dismiss the landlord's application. This tenancy will continue until it ends 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: December 17, 2018

Residential Tenancy Branch