



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PERFORMING ARTS LODGES and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

On July 2, 2019, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy and an order of possession for the rental unit. The matter was scheduled as teleconference hearing.

The matter was set for a conference call hearing. The Landlord and Tenant attended the hearing. The Tenant was assisted by legal counsel. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing. The parties confirmed that they exchanged the documentary evidence before me.

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.

### Background

The Landlord and Tenant testified that the Tenant has lived on the rental property since 2006. The most recent tenancy agreement began on March 1, 2018, on a month to month basis. The parties testified that rent in the amount of \$1,690.00 is due by the first day of each month. The rent is subsidized and the Tenant is currently paying \$565.00 each month. The parties testified that the Tenant paid the Landlord a security deposit of \$225.00.

The Landlord testified that a One Month Notice To End Tenancy For Cause (“the One Month Notice”) was issued to the Tenant on June 21, 2019.

The Landlord provided a copy of the One Month Notice. The Landlord selected the following reasons for ending the tenancy within the One Month Notice:

*Tenant is repeatedly late paying rent*

*Tenant or a person permitted on the property by the Tenant has:*

- *Significantly interfered with or unreasonably disturbed another occupant or the Landlord*
- *Seriously jeopardized the health or safety or lawful right of another occupant or the Landlord*
- *Put the Landlord's property at significant risk*

*Tenant has engaged in illegal activity that has, or is likely to:*

- *Adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the Landlord*
- *Jeopardize a lawful right or interest of another occupant or the Landlord*

The details of cause within the One Month Notice indicate that the Notice was issued due to incidents that occurred up to June 15, 2019.

The One Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

On June 25, 2019, the Tenant disputed the One Month Notice, within the required time frame. A conference call hearing is scheduled for July 30, 2019, to determine whether or not the Landlord has sufficient cause to end the tenancy.

On July 2, 2019, the Landlord applied for dispute resolution seeking an early end to the tenancy and an order of possession for the rental unit.

The Landlord provided testimony that the Tenant has been involved in serious violent incidents over the past 10 months. The Landlord's evidence was mostly related to an incident that occurred on June 15, 2019.

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under

this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by 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,
- 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
- 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 or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.** [my emphasis]

### Analysis

Based on the testimony and documentary evidence before me I make the following findings:

An application for an early end of tenancy is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

I find that the Landlord issued a One Month Notice on June 21, 2019. The Tenant disputed the One Month Notice on June 25, 2019, seven days prior to the Landlord's application for an early end of tenancy.

I find that there has not been any new intervening act or allegation of wrong doing on behalf of the Tenant since the incidents that occurred up to June 15, 2019, which were included as reasons to end the tenancy within the One Month Notice.

I find that it would not be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for the dispute of the Notice issued under section 47 of the Act that is scheduled for July 30, 2019.

The Landlord's application for an early end of tenancy and an order of possession for the rental unit is dismissed.

### Conclusion

The Landlord issued a One Month Notice to the Tenant 12 days prior to applying for an early end of tenancy.

I find that it would not be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for the dispute of the Notice issued under section 47 of the Act that is scheduled for July 30, 2019.

The Landlord's application for an early end of tenancy and an order of possession for the rental unit 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: July 16, 2019

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Residential Tenancy Branch