



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 of tenancy and Order of Possession.

The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The landlord appeared and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that they served the tenant with the notice of hearing and evidence by registered mail sent on June 17, 2020. The landlord provided a valid Canada Post tracking number as evidence of service. Based on the evidence I find that the tenant is deemed served with the landlord's materials on June 22, 2020, five days after mailing, in accordance with sections 88, 89 and 90 of the *Act*.

### Issue(s) to be Decided

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

### Background and Evidence

This periodic tenancy began on January 1, 2019. The current monthly rent is \$800.00 payable on the first of each month. The landlord testified that the tenant has vacated the rental unit as of the date of the hearing. The landlord said that the tenant has not returned the keys and therefore the landlord did not withdraw their application.

The rental unit is a basement suite in a detached house with a separate occupant in the main floor of the building. The landlord submits that they have received complaints from the other occupants of the building regarding the tenant. The landlord submitted into evidence two letters dated May 29, 2020 and June 15, 2020 from other occupants. The landlord also submits that the tenant has charred the window blind and submitted a photograph taken of the damage.

### 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 totality of the evidence before me, I find that the landlords have failed to demonstrate that any of the circumstances described above exist such that it would be unreasonable or unfair to the landlord to serve the tenant with a proper notice to end tenancy and wait for that notice to take effect.

While the landlord submits that there have been some complaints from neighbors, I find the contents of the complaint letters submitted into evidence to be trivial issues, suspicions and conjecture with little basis and falls far short of establishing that there is a basis for this tenancy to end. I find that police attending at a rental unit to be of little probative value. Anyone is able to make a complaint and have police attend regardless of the nature or merit of the complaint. I find that conclusions reached by the occupants to be of little probative value. I do not find the concerns and fears to be based on any real jeopardy posed by the tenant. I find the photograph of the blind to show little damage and certainly not to the extent that it could be called extraordinary damage.

Taken in its entirety, I find that the landlord has not established that there is a basis for this tenancy to end much less that it would be unfair or unreasonable to wait for a notice to end under section 47 to take effect. For these reasons I dismiss the landlord's application in its entirety.

### Conclusion

The landlord's application is dismissed in its entirety without leave to reapply.

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 7, 2020

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Residential Tenancy Branch