



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 the *Residential Tenancy Act* (the "Act") for:

- an order of possession for an early end to the tenancy pursuant to section 56;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:20 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord testified that on September 21, 2022, the tenant was served a copy of the Application for Dispute Resolution and Notice of Hearing by registered mail. A copy of the registered mail receipt and tracking information was submitted as evidence.

Based on the above evidence, I am satisfied that the tenant was served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 of the Act. The hearing proceeded in the absence of the tenant.

Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

Background & Evidence

The rental unit is an apartment in a seniors building. The tenancy began on February 1, 2016.

The landlord is requesting an early end to the tenancy on the basis that the tenant threatened the life of another tenant's guest. The only evidence submitted by the landlord in support of this serious allegation was a picture of the tenant in the hallway and a video of the tenant knocking on another tenant's door. The landlord also submitted an incident report from the tenant's guest that made the complaint which contains various unsupported allegations.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in 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.

In addition to showing at least one of the above-noted causes, **the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.**

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.

There is nothing in the landlord's evidence to suggest the tenant poses an immediate serious threat to the health and safety of the landlord or other occupants or to the

landlord's property. There is no evidence of any threat whatsoever. A picture of a tenant walking in the hallway of his apartment and a video of him lightly knocking on another tenant's door is not evidence of a threat. The incident report being relied on by the landlord makes all sorts of unsupported accusations of criminal activity and also makes reference to a second person hiding outside the door. Clearly in the video there is no second person hiding outside the door. It is unclear to me why the landlord would even attempt to rely on such unsubstantiated evidence. It appears the landlord is only trying to obtain an order of possession through this expedited process as the tenant has failed to vacate the rental unit after signing multiple mutual agreements to end tenancy. That is not what this process is intended for. By abusing this process, the landlord is actually taking up valuable hearing time slots and branch resources.

Accordingly, I dismiss the landlord's application for an early end to the tenancy.

Conclusion

The landlord's application 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: October 14, 2022

Residential Tenancy Branch