



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding GRAND PALAZZO HOLDINGS
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's Application filed under the *Residential Tenancy Act*, (the "Act") on February 5, 2023, requesting an early end of tenancy pursuant to section 56 of the *Act*. The matter was set for a conference call.

The Landlord and the Landlord's Agent (the "Landlord") attended the hearing and were affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the *Act* and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord submitted that they had served the Application for Dispute Resolution and Notice of Hearing to the Tenant by posting it to the front door of the rental unit on February 7, 2023. I find that the Tenant had been duly served in accordance with the *Act*.

The Landlord was provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

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.

Issues to be Decided

- Is the Landlord entitled to an early end of tenancy and an Order of Possession, under section 56 of the *Act*?

Background and Evidence

The Landlord testified that on December 28, 2022, the Tenant threatened their resident property manager, by chasing after them with a large knife. That the tenant had chased the property manager into their unit and proceedings to attack the door with the knife, breaking the window. The Landlord submitted a video of the event into documentary evidence.

The Landlord testified that the police were called, and the Tenant was arrested that day but that they were released two days later without charge. The Landlord submitted a police file number into documentary evidence.

The Landlord testified that their property manager is fearful due to this interaction, and unsafe while the Tenant remains on the rental property. The Landlord requested to end the Tenancy without written notice due to this incident.

The Landlord was asked to provide testimony as to why they waited over a month from the date of the event before they submitted an application to the Residential Tenancy Branch requesting an expedited hearing to end this tenancy. The Landlord testified that they had been out of town during the event and that they had been busy after their return.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an Early End to Tenancy and 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 of the *Act* for a landlord's notice for cause.

In order to end a tenancy early and issue an Order of Possession under section 56, a landlord has the burden of proving that:

- There is sufficient cause to end the tenancy such as; unreasonably disturbed another occupant, seriously jeopardized the health, or safety, or a lawful right, or interest of the landlord, engaged in illegal activity, or put the landlord's property at significant risk; and
- That it would be unreasonable or unfair to the landlord or other occupants to wait for a one month notice to end tenancy for cause under section 47 of the *Act* to take effect.

In this case, I find the Landlord's actions of waiting 39 days between the date of this event to the date that they filed for these proceedings, to show that the circumstance of this case was not so significant or severe that it would have been unreasonable for the Landlord to issue a One Month Notice to end this tenancy.

Furthermore, I find that the delay in action by this Landlord may have led this Tenant to believe that the events for December 28, 2022, were not serve enough for this Landlord to end their tenancy.

For these reasons, I find that the Landlord has fallen short of the standard required to obtain an early end of tenancy under section 56 of the *Act*.

Consequently, I dismiss the Landlord's application for an early end of tenancy under section 56 of the *Act*, as I find it neither unreasonable or unfair that the Landlord would need to wait for a One Month Notice to take effect and for the required hearing process under that notice.

Conclusion

I dismiss the Landlord's application for an early end of tenancy. This tenancy continues until ended 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: February 24, 2023

Residential Tenancy Branch