



Dispute Resolution Services

Page: 1

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* ("Act") for:

- an Early End to Tenancy and an Order of Possession, pursuant to section 56.

Only the landlord's agent, K.M. (the "landlord") attended the hearing. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord explained the application for dispute resolution and evidentiary package were posted to the tenant's door on October 11, 2018. Pursuant to sections, 88, 89 & 90 of the *Act*, the tenant is deemed served with the application and evidence three days after their posting, October 14, 2018.

Issue(s) to be Decided

Is the landlord entitled to an Early End of Tenancy?

Background and Evidence

Undisputed testimony presented to the hearing by the landlord explained that this tenancy began on May 1, 2010. Rent is \$800.00 and a security deposit of \$400.00 paid at the outset of the tenancy continues to be held by the landlord.

The landlord has applied for an Early End of Tenancy, which would provide her with an immediate Order of Possession. The landlord explained the tenant was subject to severe mental health problems and an incident which took place around October 11, 2018 led to the unit being contaminated with human feces. The unit was deemed uninhabitable by the Island Health Authority after they attended the premises on October 11, 2018.

The landlord said that the Island Health Authority sent a letter to her office dated October 27, 2018 explaining that the unit could not be occupied due to health reasons. The landlord explained the damage to the unit was so great that it would require a complete renovation and would likely be uninhabitable for “two to three months.”

Analysis

Section 56 of the *Act* requires the landlord to show, on a balance of probabilities, that the tenancy must end earlier than the thirty days indicated on a 1 Month Notice, due to the reasons identified in section 56(2) of the *Act* **AND** that it would be unreasonable or unfair for the landlord or other occupants to wait for a 1 Month Notice to take effect, as per section 56(2)(b).

On a balance of probabilities and for the reasons stated below, I find that the landlord's application satisfies all requirements for an Early End of Tenancy under section 56(2)(b) of the *Act*. I find that the landlord provided sufficient evidence that it would be unreasonable to issue a 1 Month Notice to the tenant, as the testimony and evidence presented by the landlord demonstrated a significant health hazard present in the rental unit.

Accordingly, I allow the landlord's application for an early end to this tenancy and an Order of Possession will be issued for November 30, 2018.

Conclusion

The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit by 1:00 P.M. on November 30, 2018 the landlord may enforce this Order in the Supreme Court of British Columbia.

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: November 9, 2018

Residential Tenancy Branch