



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: ET

Introduction

This application was brought by landlord seeking an Order of Possession under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires notice of a minimum of 30 days.

In this instance, the landlord had served notice to cause on September 14, 2008, but made subsequent application under section 56 of the *Act* on the grounds of continuing and escalating unreasonable disturbance and perceived threat to the safety of the landlord and other tenants.

Issue(s) to be Decided

This application requires a decision on whether the landlords are entitled to an Order of Possession and, if so, the effective date of such order.

Background and Evidence

This tenancy began June 1, 2008 and the landlords hold a security deposit of \$225 paid on May 31, 2008.

During the hearing, the landlord gave evidence that the rental agreement included only one adult. However, in August, the landlord discovered one of the tenant's two brothers sleeping under the landlord's doghouse. When asked to leave, he swore at the

landlord. The following day, he was found sleeping in the landlord's storage room, and again, swore at the landlord.

In other instances, the landlord noted:

1. One or both the landlord's brothers entered the landlord's backyard shed and storage room on three occasions;
2. When so advised, the tenant stated her brothers would be around 24/7;
3. Ongoing late night parties and loud music and the smell of marijuana;
4. Ongoing late night visits to the rental unit by various persons;
5. In addition to the brothers, the tenants daughter is also occupying the suite even though there is a specific addendum to the rental agreement requiring landlord's consent for additional occupants;
6. Running water and flooding emanating from the rental unit and the tenant refused to answer the door so the plumber could make repairs;
7. Threats against and swearing at the landlords;
8. A series of late night prank calls co-incident to the deterioration of the tenancy.

The tenant's main response to the allegations was to raise a complaint against mold in the rental unit and the landlords' reluctance to make requested repairs.

Analysis

I find that the fact pattern establishes an ongoing and significant disturbance of the landlords and other tenants and that their concern for safety is reasonable. I further find that the landlords have proven on the balance of probabilities that their request for an early Order of Possession is justified.

Conclusion

Accordingly, the landlords' copy of this decision is accompanied by an Order of Possession, effective two days from service of it on the tenant. The Order is enforceable through the Supreme Court of British Columbia.

Dated: October 15, 2008