



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: ET & FF

Introduction:

This hearing dealt with an application by the landlord seeking an early end to this tenancy on the basis that the tenants have significantly disrupted the quiet enjoyment of the landlords. Although the tenants were served in person with notice of this hearing and the landlord's evidence on February 2, 2009, they did not attend the hearing. I proceeded in the tenants' absence having considered the tenants properly served with notice of the landlord's application.

Issue to be Determined:

Is the landlord entitled to end this tenancy early?

Background and Evidence:

This tenancy began on December 1, 2008 for the monthly rent of \$900.00. The tenancy agreement was for the month of December 2008 only. The tenants took over the tenancy from the previous tenant.

The landlord submitted that the tenants are unreasonably disturbing themselves and neighbours in the area. The landlord submitted that the tenants often have numerous occupants in the rental unit, are fighting continuously often resulting in the police attending the rental unit and that the tenants are breaching the tenancy agreement by smoking within the rental unit.

The landlord was clearly distraught and upset by the actions of the tenants. She indicated that her family is continuously disturbed day and night and that she has become fearful for the safety of her children. The landlord believes it would be unfair and unreasonable to wait for the effective date of the one month Notice to End Tenancy served upon the tenants to take effect given the significant impact on her life and family.

In support of her allegations respecting the actions and behaviours of the tenants, the landlord submitted numerous letters from neighbours and friends confirming the ongoing parties, police calls and interventions and smell of smoke from the tenants' rental unit. The landlord also brought forward a witness who confirmed her written statement that at least one of the tenants was a suspect involved in breaking into her vehicle and stealing some of her possessions. The witness also stated that later that same day she was at the landlord's property and observed the suspected tenant and identified her as the same person involved in the early police intervention. She also stated that at that time she observed the tenants in a loud argument that could be easily heard through the walls and doors.

The landlord requests an immediate Order of Possession.

Analysis:

Section 56 provides that a tenancy may be ended early on the basis that the landlord can establish caused under the *Act* or tenancy agreement and should that it would be unfair and unreasonable to wait for the effective date of a one month Notice to End Tenancy pursuant to section 47 of the *Act*.

I am persuaded by the evidence of the landlord, including the letters submitted characterizing the disturbances and the witness evidence, that the tenants are significantly interfering with and unreasonably disturbing the landlord. I am also satisfied that the tenants, or guests of the tenants, are also suspected of illegal activities in the neighbourhood and disturbing others in the community.

Given the clear distress of the landlord and her evidence on how she fears for her children's safety and has temporarily stopped working due to the continuous disturbances, I am satisfied that it would be unfair and unreasonable to wait for the one month Notice to End Tenancy for cause to take effect.

Therefore, I grant the landlord's application and I grant the landlord an Order of Possession effective **immediately** after it is served upon the tenants. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion:

I grant the landlord's application and have granted an immediate Order of Possession. I also Order that the landlord may recover the \$50.00 filing fee paid for this application from the tenants' security deposit plus interest.

Dated February 04, 2009.

Dispute Resolution Officer