

DECISION

Dispute Codes: ET, FF

This hearing dealt with an application by the landlord to end tenancy early and to obtain an order of possession. Despite having been served with the application for dispute resolution and notice of hearing in person on March 2, 2009, the tenant did not participate in the conference call hearing.

The landlord gave the following evidence with respect to her reasons for seeking to end the tenancy early. At 2:30 am on February 6, a fire broke out in the tenant's basement unit. The tenant did not call the fire department or alert the landlord who lives in the upper unit. The landlord only found out about the fire the next day when she was inspecting a repair in the basement. Upon such discovery, the landlord telephoned the Fire Prevention Division who inspected the property on February 8. During the inspection, the inspector asked for the whereabouts of the smoke alarm in the tenant's unit and discovered that the tenant had taken it off the wall. The tenant also failed to use the fire extinguisher that was provided to her by the landlord. I note that a copy of the post fire inspection report was submitted as supporting evidence.

The landlord said that there is significant smoke damage throughout the tenant's unit and the carpet in the bedroom is burned. The landlord has since asked for quotes from three restoration companies to repair the damages. I note that a copy of a quote from Master Contract Services Ltd was submitted as supporting evidence.

Based on the above evidence, I find that the landlord has established that the tenant has 1) seriously jeopardized the health and safety of the landlord; and 2) put the landlord's property at significant risk. Accordingly, I also find that the landlord has proven the need to end the tenancy early under provision of Section 56 of the *Residential Tenancy Act* and I order that the tenancy to end early. I grant the landlord an order of possession that must be served on the tenant. This order may be filed with

and enforced as an order of the Supreme Court of British Columbia.

The landlord has applied for and is entitled to recover the \$50.00 filing fee for the cost of this application. I grant the landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 09, 2009.