



# Dispute Resolution Services

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

## Decision

Dispute Codes: ET, FF

### Introduction

This matter dealt with an application by the Landlord for an Order ending the tenancy earlier than it would end if the Landlord had to wait the one month period for a Notice to End Tenancy for Cause to take effect. The Landlord also applied to recover the filing fee for this proceeding.

The Landlord served the Tenants in person on March 5, 2009 with a copy of the Application and Notice of Hearing, however the Tenants did not dial into the conference call. I find that the Tenants were properly served pursuant to s. 89 of the Act and the hearing proceeded in the Tenants' absence.

### Issue(s) to be Decided

1. Is the Landlord entitled to end the tenancy?

### Background and Evidence

This tenancy started on January 15, 2009. The Landlord said there have been a number of complaints from other tenants about chemical smells coming from the rental unit as well as many people (not tenants) coming and going from the rental unit at all hours of the day and in some cases sleeping in the stairwell. The Landlord said there have also been complaints from other tenants about the Tenants' yelling and screaming during fights and she claimed that the police have attended the rental unit a number of times due to domestic disputes. The Landlord said following a recent domestic dispute, one of the sliding glass doors in the unit was broken. The Landlord provided copies of written statements from 5 other tenants in the rental property who attested to these matters and claimed they feared for their safety and the security of their property. In essence, the Landlord said she believes the rental unit is being used by the Tenants to sell drugs.

The Landlord said on February 27, 2009, the Hazardous Materials division of the RCMP was called to the rental unit and the building was evacuated because a noxious smell was coming from the rental unit. Two bottles of Methyl Alcohol were discovered in the rental unit by the Hazardous Materials division. The Landlord provided a copy of a

newspaper clipping from the March 1, 2009 edition of the Langley times and an incident report regarding this matter.

The Landlord said she has asked the Tenants' visitors a number of times not to leave their bicycles in the hallway as it poses a fire hazard but they would not listen to her. The Landlord also said on a number of occasions, the Tenants' visitors have made threatening gestures to her (eg. mimicking shooting a pistol at her) and said "you'll get yours." The Landlord said she recently found a picture of a skull and crossbones on the handrail of the back stair case to the rental property that said "Your Landlord is a c\*nt." The Landlord said she believed the Tenants did this to intimidate her. The Landlord provided photographs of the sign.

### Analysis

Section 56 of the Act states that a Landlord may end a tenancy earlier than she would be able to do if required to serve a One Month Notice for Cause and wait for the notice period to expire. Section 56 also sets out the grounds that the Landlord must satisfy in order to end the tenancy early.

Based on the written witness statements and the evidence of the Landlord, I find that the Tenants or persons permitted on the rental property by the Tenants have significantly interfered with and unreasonably disturbed the Landlord and other occupants of the rental property thereby entitling the Landlord to end the tenancy. I further find that it would be unfair to the Landlord and the other occupants of the rental property to wait for a notice to end the tenancy under s. 47 to take effect. Consequently, the Landlord requested and I find she is entitled to an Order of Possession to take effect 48 hours after service of it on the Tenants.

As the Landlord has been successful in this matter, she is also entitled to recover her \$50.00 filing fee for this proceeding and I order pursuant to s. 72 of the Act that she deduct this amount from the Tenants' security deposit.

### Conclusion

The Landlord's application is granted. An Order of Possession to take effect 48 hours after service has been issued to the Landlord and a copy of it must be served on the Tenants. The Order of Possession may be enforced in the Supreme Court of British Columbia.