



Dispute Resolution Services

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

Decision

Dispute Codes: ET

Introduction

This hearing dealt with an application by the landlord to end the tenancy early and receive an order of possession. Both the landlord's agent and the tenant participated in the teleconference hearing.

Issue(s) to be Decided

Should the tenancy end early?

Background and Evidence

The tenancy began on or about January 9, 2009. The evidence of the landlord was that from the beginning of the tenancy until as recently as last weekend, the tenant has constantly caused noise day and night with parties and guests, and in so doing she has disturbed other tenants. The rental unit is one of eight units in the building. The landlord as submitted as supporting evidence three written complaints from other tenants. The landlord stated in the hearing that he has received verbal complaints from two other tenants. The landlord was also concerned about the risk of fire because there was a singed mattress in the tenant's rental unit and some singe marks on the wall above the mattress.

The tenant's response was that the landlord has wanted to get her out since the beginning of the tenancy because the tenant's boyfriend committed armed robbery. The tenant said that she is not that loud, and that the tenant above her, who is a drug dealer, and the tenant beside her, who beats his girlfriend, make more noise than she does. The tenant that the mattress in question was already in the unit and was already

burned when the tenant moved in. The tenant filed an application to dispute a notice to end tenancy for unpaid rent, and she believes that the landlord's application to end the tenancy early is retaliatory.

Analysis

Section 56 of the Residential Tenancy Act allows a landlord to make an application to end a tenancy early in certain circumstances. One of the reasons for ending a tenancy early is if a tenant or a tenant's guests has significantly interfered with or unreasonably disturbed another occupant of the residential property. In this case, I find that the landlord has provided sufficient evidence that the tenant and her guests have unreasonably disturbed the other occupants, and I do not accept the tenant's submission that the landlord has pursued this application without sufficient cause. I therefore find that the landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective April 30, 2009. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated April 27, 2009.