



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes

ET & FF

Introduction

This hearing dealt with an application by the landlords seeking to end this tenancy early pursuant to section 56 of the *Act*. I accept the evidence of the landlords that the tenant was served with notice of this hearing when it was posted on the door of the rental unit on March 27, 2009. This is an acceptable means of service pursuant to section 89 of the *Act* and I deem the tenant as having been served with notice of this application and hearing on March 30, 2009 pursuant to section 90(c) of the *Act*. I proceeded with the hearing in the tenant's absence.

Issue to be Determined

Should this tenancy be ended early pursuant to section 56 of the *Act*?

Background and Evidence

This tenancy began on February 1, 2009 for the monthly rent of \$900.00 and a security deposit of \$450.00 paid on January 29, 2009. During the course of this tenancy the landlords received complaints from neighbours due to excessive noise and made attempts to contact the tenant to discuss.

Failing to reach the tenant the landlords posted a notice on the tenant's door on March 19, 2009 requesting that the tenant contact them. Allegedly this notice was handed directly to the tenant by the landlords' agent. On March 20, 2009 the landlords' agent called the landlords to inform them that the police had attended the rental unit that night.

On March 20, 2009 the landlords had their agent post a notice for an inspection of the rental unit on March 22, 2009. The landlords stated that when they arrived the rental unit was not secure with the front door open. There was no one at the rental unit. The landlords stated that on entry to the unit they discovered that there was significant damage throughout the rental unit as demonstrated by the photographs submitted for this proceeding.

The landlords are seeking to end this tenancy early on the basis that the tenant has jeopardized their lawful right and interest in the property, failed to pay rent for April 2009, damaged the rental unit and has breached the tenancy agreement by having a pet and smoking in the rental. The landlords submit that it would be unreasonable and unfair to wait for the one month Notice to End Tenancy for cause to take effect on April 30, 2009.

The landlords stated that they are attempting to sell the unit and potential showings have already been jeopardized due to the damage caused to the rental unit and state that due to the allegations of criminal activities the neighbours and their property are at significant risk.

Analysis

Section 56 of the *Act* allows for a tenancy to end early, without service of a one month Notice to End Tenancy or before a one month Notice to End Tenancy takes effect if there is cause and it would be unreasonable and unfair to wait for the notice to take effect.

The landlords made several other comments about their understanding of illegal activities the tenant is allegedly engaged in and/or being charged for. However, most of the landlords' opinions are based on hearsay evidence and are unsupported. However, I do accept the evidence before me that the tenant has been charged for allegedly assaulting another individual and as a result of this alleged assault the rental unit has been significantly damaged. I also accept the evidence before me that the tenant has breached the tenancy agreement, failed to pay rent and has damaged the rental unit.

I am satisfied that these actions by the tenant has significantly jeopardized the landlords lawful right and interest in the property and it is unfair and unreasonable to wait for the one month Notice to End Tenancy for cause to take effect. On this basis I grant the landlords application requesting an Order of Possession effective **two (2) days** after it has been served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

I grant the landlords' application and end this tenancy early pursuant to section 56 of the *Act*. I have issued an Order of Possession to the landlords effective **two (2) days** after it is served upon the tenant. I also grant the landlords request to recover the \$50.00 filing fee paid for this application from the tenant. The landlords may retain this sum from the tenant's security deposit plus interest.

Dated April 07, 2009.

Dispute Resolution Officer