

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *ET*

Introduction

This hearing dealt with an application by the landlord for an order for an early end to tenancy and an order of possession. The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on March 24, 2009, in person. The tenant did not participate in the conference call hearing. I found that the tenant was served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

The tenancy began on July 01, 2008. The monthly rent is \$750.00 due on the first of each month. The landlord served the tenant with a one month notice to end tenancy for cause on February 15, 2009 and a 10 day notice to end tenancy for non payment of rent on March 09, 2009. The landlord applied for dispute resolution and a hearing is set for April 17, 2009.

Issues to be Decided

Does the landlord have cause to end the tenancy earlier than the effective date of the notice to end tenancy?

Background and Evidence

The rental unit is located in the basement of the home and the landlord occupies the upper level. The laundry room is a common area, shared by both parties. The landlord testified that the tenant has noisy visitors coming and going at all hours of the night. The landlord has received several complaints from the neighbours about the activities of the tenant which include fighting and swearing. The landlord also stated that the tenant uses foul language in a threatening manner towards him, even in the presence of his children. The landlord fears for his safety and that of his family.

On March 21, 2009, the landlord stated he was talking to his children in the proximity of the door to the laundry, when the tenant started yelling back. The landlord explained to the tenant that he was talking to his children and offered to talk with the tenant. When the landlord approached the tenant outside in the back yard, he noticed that the tenant had a knife in his hand. There were five of the tenant's guests present and one of them attacked the landlord from behind with a base ball bat. The landlord's spouse called the police. The landlord suffered an injury to the back of his head and was transported to the hospital by ambulance, where he received seven stitches to close the wound.

The landlord has filed a petition that is signed by ten neighbours and states that they feel threatened by the presence and activities of the tenant and his associates. The landlord has also filed a copy of the business card of the constable who attended the 911 call along with the police file numbers and a copy of the hospital bracelet.

Analysis

In order to establish grounds to end a tenancy early, the landlord must establish that it would be unreasonable or unfair to force him to wait for a one-month notice to end tenancy for cause, to take effect. I accept the undisputed evidence of the landlord and find that it would be unreasonable to force the landlord to maintain the contractual relationship with the tenant, in light of the tenant's threats and attempts to harm the landlord. I order that the tenancy end pursuant to section 56 of the Act and grant the landlord an order of possession.

Conclusion

The landlord is granted an order of possession. 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 01, 2009.

Dispute Resolution Officer