



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 landlord seeking to end the tenancy early pursuant to section 56 of the *Act*. Although the tenants were personally served with notice of this hearing and application in person on May 7, 2009, they did not appear for the hearing. Being satisfied that the tenants were served with notice of this proceeding I continued with the hearing in their absence.

Issue to be Determined

Should this tenancy be ended early due to significant breaches of the *Act* and tenancy agreement by the tenants?

Background and Evidence

There no written tenancy agreement as required by section 13 of the *Act*; however, I am satisfied that the parties entered into an oral tenancy agreement beginning April 1, 2009 for the monthly rent of \$650.00 and a security deposit of \$325.00.

The landlord seeks to end this tenancy early on the basis of three incidents in which the tenants significantly interfered with or unreasonably disturbed of another occupant or the landlord, engaged illegal activity which has or will likely seriously interfere with or disturb another occupant or the landlord and has seriously jeopardized the lawful right and interest of the landlord. The landlord described the following incidents:

May 5, 2009 at 9:30 a.m.

The landlord had to call the R.C.M.P. due to unbearable and intolerable interior smoke and odour throughout the rental unit due to the tenants smoking marijuana. At same time the landlord lodge a complaint with R.C.M.P. respecting the hours and number of individuals regularly visiting the rental unit.

May 6, 2009 at 8:30 a.m.

The landlord's wife was verbally threatened by one of the tenants in the presence of the landlord's son. The landlord stated that additional threats were made after the R.C.M.P. Officer arrived on site. The landlord stated that the police strongly recommended the landlord seek to end this tenancy in accordance with the *Act*.

May 6, 2009 at 10:30 p.m.

The landlord phoned the police, who attended the site, based on one of the tenant's attempting to aggressively enter the landlord's premise. The tenant was excessively banging on the joining door and yelling profanities.

May 7, 2009

While serving the notice of hearing and the landlord's application in person the landlord's son witnessed one of the tenant's utter racial profanities and threaten to "burn the house down." The landlord's son also stated that he smelled the strong smell of marijuana coming out of the rental unit when the door was opened.

The landlord submits that his wife and property have been threatened and he has been verbally abused by the tenants. The landlord seeks an immediate end to this tenancy.

Analysis

Section 56 of the *Act* provides that:

- 56** (1) A landlord may make an application for dispute resolution to request an order
- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
 - (b) granting the landlord an order of possession in respect of the rental unit.
- (2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,
- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
 - (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
 - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
 - (iii) put the landlord's property at significant risk;
 - (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 - (v) caused extraordinary damage to the residential property, and
 - (b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

I grant the landlord's application. I am satisfied from the evidence presented by the landlord that the tenants have engaged in multiple behaviours which have threatened the landlord's lawful rights and interest. The tenants have uttered threats and racial slurs and I am satisfied that it would be both unreasonable and unfair to allow this tenancy to continue. I find that the tenants' are in breach of the *Act* and the tenancy agreement and I grant the landlord an Order of Possession effective **two (2) days** after it is served upon the tenants. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord's application is granted. I find that the tenants' have seriously jeopardized the landlord's lawful rights and interests and I Order that this tenancy be ended early pursuant to section 56 of the *Act*.

Dated May 15, 2009.

Dispute Resolution Officer