



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

ET

Introduction

This hearing dealt with an application by the landlord seeking an early end to this tenancy pursuant to section 56 of the *Act*. Section 56 of the *Act* grants authority to end a tenancy early without the requirement of a one month's Notice to End Tenancy for Cause under section 47 of the *Act*.

Both parties were present at the hearing and with the opportunity to present affirmed evidence, to cross-examine the other party, and to make submissions during the hearing.

Issues(s) to be Decided

Has the landlord established grounds to end this tenancy early pursuant to section 56 of the *Act*?

Background and Evidence

This tenancy began on March 1, 2009 for the monthly rent of \$750.00 and a security deposit of \$375.00. On June 20, 2009 new tenants moved into the upper unit above this tenant. Almost immediately there were significant disturbances reported to the landlord which included smoking, constant visitors at all hours of the day and night, and fights. A detailed account of disturbances and events was provided as documentary evidence.

The landlord's witness provided affirmed oral testimony about the extreme circumstances experienced since moving into the rental unit on June 20, 2009. The witness stated that as a result of all the noise, fights and unsavoury individuals coming and going from the rental unit his wife and children do not feel safe in the rental unit and have temporarily found another place to sleep at night.

The witness stated that he called the police on three occasions, two of which were 911 emergency calls. At one point seven individuals who were not tenants were evicted from the rental unit and there was a fight.

The tenant stated that all of these problems were related to other individuals who had access to his rental unit or guests which he could not control. The tenant also stated



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

that he was often not at home during many of the events described by the landlord and the landlord's witness. The tenant did not have an explanation as to how these individuals had access to his rental unit.

Analysis

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

I grant the landlord's application. I am fully persuaded by the evidence of the landlord's witness that his family has been unreasonably disturbed and their safety put at risk by the tenant or his guests. I do not accept the tenant's statements that he is not responsible or involved.

Pursuant to section 56 of the *Act* I find that it would be unreasonable and unfair to wait for a one month Notice to End Tenancy for Cause pursuant to section 56 of the *Act* to take effect and I grant the landlord an Order of Possession effective **July 15, 2009 at 1:00 p.m.** 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 and I have ended this tenancy early pursuant to section 56 of the *Act*. I provided the parties with my decision orally at the end of the hearing and informed the tenant that an Order of Possession would be issued for the effective date of July 15, 2009 at 1:00 p.m.

Dated: July 14, 2009.

Dispute Resolution Officer