

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to End the Tenancy Early.

Service of the hearing documents, by the Landlord to the Tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on July 16, 2009. Mail receipt numbers were provided in the Landlord's verbal testimony. The Tenants were deemed to be served the hearing documents on July 21, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

Both the Landlord and Male Tenant appeared, were provided the opportunity to present their evidence orally, in writing, in documentary form, and to cross exam each other.

All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

Is the Landlord entitled to an Order of Possession, ending the tenancy early, under section 56 of the *Residential Tenancy Act*?

### Background and Evidence

The month to month tenancy began April 1, 2009 with rent payable on the first of each month in the amount of \$625.00. The Tenants paid a security deposit of \$312.50 on April 1, 2009.

The Landlord testified that Male Tenant has displayed violence towards other tenants, that the RCMP have been called 4 times in relation to these tenants, that the tenants

have been partying, caused damaged to the rental unit by punching 3 or 4 holes in the walls, and when the Tenants start drinking the rental complex is a scary place to be.

The Male Tenant admitted to being an alcoholic and stated that the last time the police were called was July 14, 2009. The Tenant argued that the police must have been told an untruth as to what was happening at the rental unit because “5 cop cars showed up and they beat me up and took me away.” The Tenant claims that he did not resist the police officers and that his next door neighbour keeps telling lies about them and that they are threatening the Tenants.

The Landlord argued that the Tenant is a different person when he drinks and that he is too unstable to be there and the Tenant has other Tenants living in fear. The Landlord stated that he had submitted witness statements into evidence. I note that these statements were not placed on the file nor have they been uploaded into the computer. The Landlord did not want to state the witness' names for fear that the Tenant would become violent against the witnesses. The Landlord is seeking an Order of Possession for July 31, 2009.

The Tenant confirmed that there is damage to there rental unit, that this damage happens when they are drinking but he doesn't know how. The Tenant stated that he cannot remember what happens when he is drinking or when he is drunk.

### Analysis

Section 56 states that a landlord may make an application for dispute resolution to request an order of possession in respect of the rental unit if the Director is satisfied, in the case of a landlord's application that the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord, seriously jeopardized the health or safety of the landlord or another occupant, and put the landlord's property at significant risk.

Based on the testimony before me, and the Tenant's testimony that he cannot remember what happens when he is drinking, I find that the Landlord has proven that the Tenant as caused damage to the rental unit while intoxicated, put other tenant's health or safety at risk and has significantly interfered with the quiet enjoyment of another tenant, and I hereby approve the Landlord's application to end the tenancy early and grant an Order of Possession effective July 31, 2009 at 1:00 p.m.

Conclusion

I HEREBY FIND that the Landlord is entitled to an Order of Possession effective **July 31, 2009 at 1:00 p.m.** This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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*.

Dated: July 27, 2009.

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Dispute Resolution Officer