

Dispute Codes:

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Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is the Landlord’s application for an early end of tenancy and an Order of Possession; and to recover the cost of the filing fee from the Tenant.

All parties gave affirmed testimony and the Hearing proceeded on its merits.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to recover the cost of the filing fee from the Tenants?

Background and Evidence

Landlord’s testimony

The Tenants have lived in the rental unit for less than two months. During that time, the police have attended on several occasions. Two weeks after the Tenants moved in, the Tenants had a fight. A neighbour attempted to break up the fight and was assaulted by the male Tenant. The male Tenant is currently in custody. The Landlord asked to end the tenancy, as the Tenants are a threat to the other tenants in the building.

Tenant’s Witness’s testimony

The Witness is the female Tenant’s mother. She was at the rental unit from 7:00 p.m to 10:00 or 10:30 p.m. the night the male Tenant allegedly assaulted the neighbour. There was no fight while she was there.

Tenant’s testimony

The male Tenant did not assault the neighbour. The neighbour fell on the sliding door because she was drunk. The male Tenant did not push her.

The police have attended at the rental unit 4 times since the Tenants moved in. The first time, the neighbour was partying and making excess noise. The Tenants were not having a party. The second time, the police attended because the male Tenant had breached his probation by drinking and by having contact with the female Tenant. The third time, the female Tenant was watching a movie, and the movie was too loud. The fourth time, the female Tenant was outside smoking and having a conversation with a friend at 2:00 a.m. The friend was talking loudly.

Analysis

Based on the testimony of both parties, I find that the Tenants, or a person permitted on the property by the Tenants, have significantly interfered with or unreasonably disturbed another occupant or the Landlord, contrary to Section 56(2)(a)(i) of the Act. Therefore, I find that the Landlord is entitled to an Order of Possession.

The Landlord has been successful in his application and is entitled to recover the cost of the filing fee from the Tenants. Pursuant to Section 72(2)(b) of the Act, the Landlord may deduct the cost of the filing fee in the amount of \$50.00 from the security deposit held by the Landlord.

Conclusion

I hereby grant the Landlord an Order of Possession effective two days from service on the Tenants. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord may deduct \$50.00, the cost of the filing fee, from the security deposit paid by the Tenants.

Dated: August 31, 2009.
