



- 1 - **Dispute Resolution Services**  
Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

**DECISION AND REASONS**

**Dispute Codes:** ET, FF

**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 July 24, 2009 in person, in the presence of a witness. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

**Issues to be Decided**

Is the landlord entitled to end the tenancy early?

**Background and Evidence**

The tenancy started on May 25, 2009 for a fixed term ending on November 30, 2009. The monthly rent is \$525.00. The rental unit consists of a room in a rooming house which houses a total of 12 tenants.

The landlord testified that several problems started since the tenant moved into Unit #1. The tenant has several visitors going in and out of his unit and there have been two incidents when his visitors broke windows to gain access. The tenant gets into fights on a regular basis, some of which involve injuries resulting in blood shed in common areas. The tenant's visitors use the common bathroom for drug related activities. In addition, the tenant has up to five people living in his room at various times.

Ten residents have written letters of complaint to the landlord regarding the problems with the tenant and his guests. The residents fear for their safety and are constantly disturbed by fights and noise coming from the tenant's unit. The landlord stated that one tenant moved out and others have indicated that they would have to move if this tenant was not removed from the rooming house, immediately.

One tenant has sued the landlord for the loss of quiet enjoyment due to the activities of

the tenant. The landlord has served the tenant with two warning letters dated July 07 and July 13, 2009. However, the landlord stated that the noise disturbances and drug related activities are still ongoing. The landlord has applied for an order of possession to put an early end to the tenancy

### **Analysis**

Section 56 of the *Residential Tenancy Act*, allows me to make an order specifying an early end to tenancy if the tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health and safety of the another occupant and has significantly interfered with or unreasonably disturbed another occupant of the residential property. Based on the undisputed testimony of the landlord, I find that the tenant and his guests have seriously jeopardized the safety of the other occupants, by the nature of their activities.

In order to establish grounds to end a tenancy early, the landlord must establish that it would be unreasonable or unfair to force the landlord 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 activities that jeopardize the safety of the other residents. 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 order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. The landlord is also entitled to the recovery of the filing fee and I order that the landlord retain \$50.00 from the security deposit.

Dated August 05, 2009.

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Dispute Resolution Officer