



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

This hearing dealt with an application by the landlord to end the tenancy early and obtain an order of possession. Despite having been served with the application for dispute resolution and notice of hearing in person on September 18, 2009, the tenant did not participate in the conference call hearing.

The landlord's evidence was that on September 15, 2009 the landlord received a phone call from the tenant living in the basement suite at the dispute address. The basement tenant told the landlord he had heard a gun shot coming from upstairs. The landlord called the police, who attended at the dispute address and seized a sawed off shotgun from the upstairs suite. A hole in the wall was found inside the rental unit. The basement tenant told the landlord that after he heard the shot fired, he heard a male yelling to a child if he was okay and the child started crying.

An occupant of the suite fired a gun shot inside the rental unit and seriously jeopardized the safety of other occupants, including at least one child. Based on the landlord's undisputed evidence I find that this incident provides sufficient cause to end the tenancy early. Accordingly I grant the landlord an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, 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 recovery of the \$50 filing fee for the cost of their application, which the landlord may retain from the security deposit.

Dated September 25, 2009.