



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, ET

Introduction

This hearing dealt with the landlord's request for an Order of Possession for Cause and for an early end to tenancy. The tenant did not appear at the hearing. The landlord testified that the hearing package was personally served upon the tenant at the rental unit on September 10, 2009. Having been satisfied the tenant was sufficiently notified of the landlord's application and today's hearing, I proceeded to hear from the landlord without the tenant present.

Issues(s) to be Decided

1. Has the landlord established grounds to end the tenancy for cause?
2. Has the landlord established grounds to end the tenancy earlier than the effective date of a Notice to End Tenancy for Cause?

Background and Evidence

The landlord provided evidence that the tenancy commenced in March 2009. On August 29, 2009 the landlord personally served the tenant with a 1 Month Notice to End Tenancy for Cause (the Notice). The effective date of the Notice is automatically changed to read September 30, 2009 in order to comply with the requirements of section 47 of the Act. The tenant did not dispute the Notice within the time permitted under the Act.

The landlord requests an early end to tenancy as the landlord has received numerous complaints about the tenant's extremely threatening behaviour towards other tenants and their guests. I heard the tenant has significantly interfered with or unreasonably disturbed other occupants by breaking windows in the building, uttering threats, using a metal pole as a potential weapon against others, fighting and screaming in the common areas in the early morning hours and entering other units without permission. The landlord also described the tenant's bathroom as extremely unsanitary and dangerous due to drug use and paraphernalia that has resulted in the landlord's plumber refusing to enter the tenant's bathroom. Finally, I heard the tenant's behaviour is so unpredictable and confrontational that several police members have had to attend the property to restrain her and remove her from the rental unit.

Analysis

Under section 56 of the Act, a landlord may apply to end a tenancy early where the landlord has cause to end the tenancy and it would be unreasonable to the landlord or other occupants of the property to wait for the Notice to End Tenancy for Cause to take effect.

Having heard the landlord's undisputed testimony, I am satisfied the landlord has established sufficient grounds to end this tenancy earlier than the effective date on the Notice to End Tenancy in order to protect the other occupant's right to enjoy their units and the residential property, free from significant interference and unreasonable disturbance by this tenant; as well as, the landlord's right to protect its property from significant damage by the actions of this tenant.

I, hereby, order that tenancy is ended two (2) days after service of the enclosed Order of Possession upon the tenant. The landlord is provided an Order of Possession with this decision that requires the tenant to vacate the rental unit two (2) days after it is served upon the tenant. The Order of Possession may be enforced through the Supreme Court of British Columbia if the tenant does not comply with the Order of Possession.

Conclusion

Pursuant to section 56 of the Act, I order that this tenancy ends and the tenant must vacate the rental unit two (2) days after the enclosed Order of Possession is served upon the tenant.

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: September 16, 2009.

Dispute Resolution Officer