

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 pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenant rented the basement suite of the home, on May 15, 2009. The monthly rent is \$800.00 and payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$400.00.

The landlord made an application to put an early end to the tenancy for several reasons, the most important being the potential for fire due to the tampering of electrical wires by the tenant. On June 01, 2009, a fire occurred in the suite resulting in extensive damage to the home. In addition, the landlord provided evidence of a syringe discarded in a litter box belonging to the tenant and letters from the neighbour complaining about the disturbances caused by the tenant's visitors fighting and participating in illegal activities on the front lawn. The landlord stated that the tenants have been bringing in excessive bags and boxes and placing them in common areas causing an inconvenience for the other residents and blocking the fire exits. The landlord also stated that the upstairs tenants moved out due to the problems with the tenants of the dispute suite. The landlord has filed adequate evidence to support his allegations.

The tenants stated that the fire was a result of a defective stove and that they had not tampered with the electrical wiring. The tenant stated that syringe belonged to his diabetic relative.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the tenant agreed to move out on or before 1:00p.m. on September 07, 2009. Pursuant to section 55(2), I am issuing a formal order of possession effective September 07, 2009. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to the recovery of the filing fee and I allow the landlord to retain \$50.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on September 07, 2009. The landlord may retain \$50.00 from the security deposit.

Dated September 02, 2009.

Dispute Resolution Officer