



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 was convened in response to an application by the landlord for an early end to a tenancy and for recovery of the filing fee for this application.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

This tenancy began July 15, 2009. Rent is in the amount of \$750 per month. The tenancy comprises two males who occupy the basement of the residential property and the landlord occupies the upstairs portion of the property.

The undisputed testimony of the landlord is that on August 20, 2009 one of the two tenants stabbed the other which resulted in a response from Police. The landlord provided a copy of a Police name and incident number pertaining to the occurrence. The landlord further testified that since the tenancy began the tenants have repeatedly fought with one another and that during the fighting it appears that alcohol was involved and was an aggravating factor in their commotion. The landlord claims that one of the tenants has stated that the other is, "on drugs". The fighting occurs several times per week and is always at late night or early morning hours, at which times the landlord is awakened and sometimes is compelled to intervene. In the past week the tenants, seemingly in an intoxicated state, repeatedly rang the landlord's doorbell late at night – each tenant wanting the landlord to evict the other. The landlord stated he does not think the tenants can be reasoned with as all efforts to date have not been fruitful. The

landlord would like the tenants to vacate as soon as possible, but is prepared to tolerate the situation for another week.

Based on the above evidence, I find that the tenants have significantly interfered with or unreasonably disturbed the landlord, and it would be unreasonable for the landlord to wait for a One Month Notice to End Tenancy under section 47 to take effect. I therefore **order** that the tenancy ends as of today, and I grant the landlord an order of possession effective 2 days from service. The tenant must be served with the order of possession and is effective two (2) days from the day it is served upon the tenant. 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.

As the landlord was successful in their application I grant the landlord recovery of the filing fee of \$50. The landlord is authorized to retain this amount from the tenant's security deposit.

Dated September 01, 2009.