



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and to receive an order of possession for the rental unit.

The Tenants were served with the Notice of Hearing and Application by posting on the door of the rental unit on March 22, 2010. Under the Act they are deemed served with these documents three days later. Despite this, the Tenants did not appear at the hearing. I have the Tenants have been served in accordance with the Act.

The Landlord and a witness appeared at the hearing, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues(s) to be Decided

Should the tenancy be ended early and an Order of Possession be granted to the Landlord?

Background and Evidence

The Landlord is alleging that the Tenants, or persons allowed on the property by the Tenants, are significantly interfering with or unreasonably disturbing other occupants of the residential property and putting the health and safety of the other residents at risk.

The Landlord testified that there is a constant stream of traffic coming and going from the rental unit. There are allegations that the Tenants and people allowed on the property by the Tenants are engaged in the drug trade. The Landlord testified that she is unsure of how many people are now living in the rental unit as the Tenants have allowed other occupants in and there are many people coming and going from the rental unit at all hours of the day and night. The Landlord's evidence is that she has been personally threatened and the police are attending the rental unit nearly everyday.

A witness appeared, who lives very close to the subject rental unit, and he testified that in the past while there have been 52 police attendances at the rental unit, including one at approximately 4:00 a.m. this morning, on the day of this hearing.

He testified that all the neighbors around the rental unit are afraid of the Tenants and the occupants. He testified he has been threatened with violence by one of the occupants at the rental unit. He further testified that all the neighbors in the area are being disturbed due to the constant vehicle traffic and noise all night long.

In evidence the Landlord also presented letters from other witnesses. One writer explains he is extremely worried for the safety of his wife and children due to the dangerous activities going on in the rental unit. He says they are afraid to let their children go out and play because of the traffic and noise at all times of the day. His family is also disturbed throughout the night by the noise.

Analysis

Based on the foregoing, the testimony and evidence, and on a balance of probabilities, I am satisfied that the Tenants, or persons permitted on the residential property by the Tenants, have significantly interfered with and unreasonably disturbed other occupants of the residential property and the Landlord.

I further find that the Tenants, or people allowed on the property by the Tenants, have seriously jeopardized the health and safety, and the lawful rights of the Landlord and the other occupants of the property, and it would be unreasonable and unfair to the Landlord or the other occupants to wait for a notice to end tenancy under section 47.

Therefore, pursuant to section 56 of the Act, I grant the Landlord an order of possession for the rental unit to be effective at **1:00 p.m. April 1, 2010**, and I grant and issue the order in this form. This order may be enforced through the British Columbia Supreme Court.

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: March 31, 2010.

Dispute Resolution Officer