

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order to end this tenancy early and to obtain an Order of Possession.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, served personally to the Tenant on June 21, 2010, by the Landlord who was accompanied by the Police.

The Landlord, his Agent, the Landlord's Representative, and the Tenant Representative appeared at the teleconference hearing.

### Issues(s) to be Decided

Is the Landlord entitled to Orders under section 56 of the *Residential Tenancy Act*?

### Background and Evidence

The month to month tenancy began approximately eighteen months ago, (January 2009). The current rent is payable on the first of each month in the amount of \$650.00 and the Tenants paid a security deposit of \$325.00.

The Landlord provided documentary evidence which included, among other things, a statement from a neighbouring tenant outlining a chronological list of illegal events conducted at the Tenants' rental unit or by the Tenants' guests; statements from the Landlord listing illegal events occurring in and around the rental unit; a list of Police and community services involved in dealing with the Tenants and the illegal activity; and a

notation listing no contact orders issued by the police after threats were made to another tenant.

The Landlord's Agent testified that the Landlord has now been served an Order from the City instructing the Landlord to evict these Tenants.

The Landlord's Representative advised that he has been working very closely with the Police at this rental unit and that they have posted surveillance vehicles out front of the unit to deter some of the illegal activity. The Representative stated that the rental unit is occupied by a Woman and her two children and advised that in working with the Landlord they were seeking the Order of Possession effective July 31, 2010 at 13:00 hrs. to ensure a safe transition for the Tenants.

The Tenant's Representative appeared and stated that while she would welcome the opportunity to have an additional month to work on getting the Tenant and her two teenage children relocated, she could not come to a mutual agreement to end the tenancy in the Tenants' absence. The Representative confirmed that while the Tenant and her children are at risk at this location, having the additional time to relocate the Tenants could mean a safer transition for them.

### Analysis

Upon careful consideration of the evidence before me I find the Landlord has proven that the Tenants have engaged in an activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the property, and has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the Landlord.

Next I have considered whether it would be unreasonable or unfair to the Landlord to wait additional time to end this tenancy. I have accepted that the Tenants and/or their guests have engaged in activity that has jeopardized the lawful right or interest of the

Landlord and the other tenants. Based on these conclusions and taking into consideration the time required to place this family in a safer environment, I find at this point it would be unreasonable to wait for a Notice to End Tenancy to take effect. The relationship is deteriorating and escalating with the possibility for the Landlord and other tenants to suffer further loss or damage. Therefore, I grant the Landlord's application to end this tenancy early.

### Conclusion

I hereby grant the landlord an Order of Possession effective **July 31, 2010, at 1:00 p.m.** after it is served upon the Tenants. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that 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: July 02, 2010.

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Dispute Resolution Officer