

## DECISION

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for an order of possession to end a tenancy early.

The hearing was conducted via teleconference and was attended by two agents for the landlord only. The tenant did not attend.

The landlord's agent testified the notice of hearing documents were served on the tenant by posting them to the door of the tenant's rental unit on June 25, 2010 at approximately 1:30 p.m. and that this service was witnessed by two third parties.

I accept the tenant was served with notice of this hearing in accordance with Section 89 of the *Residential Tenancy Act (Act)*.

### Issues(s) to be Decided

The issue to be decided is whether the landlord is entitled to an order of possession for to end the tenancy early without notice to end the tenancy, pursuant to Section 56 of the *Act*.

### Background and Evidence

The tenancy began in February, 2007 as a month to month tenancy for a current monthly rent in the amount \$348.00 due on the 1<sup>st</sup> of the month, no security deposit was issued.

The landlord's agent testified that she had been called by the police after they had attended the building after the tenant, while intoxicated, had attempted to force his way into a neighbouring tenant's rental unit. While doing so another neighbouring tenant came out of his rental unit to find out what was going and tried to stop this tenant at which point this tenant pulled a knife on the neighbouring tenant.

The agents further testified that the female tenant from the unit this tenant was trying to enter is living next door to this tenant in constant fear that he may attempt it again and has asked to be relocated. The agents also noted that on a previous occasion this tenant had been disruptive after drinking but not to this extent.

### Analysis

Section 56 of the *Act* states a landlord may make an application for dispute resolution to request an order to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47.

Under this section the landlord must provide sufficient evidence to show, among other things, the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant and that it would be unreasonable or unfair to the landlord or other occupants to wait for a notice to end the tenancy under Section 47 to take effect.

I find the landlord has provided sufficient evidence to meet both tests and in the absence of any contrary evidence or testimony from the tenant. I therefore order the landlord is entitled to end the tenancy earlier than had they issued a notice under Section 47.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court 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 15, 2010.

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Dispute Resolution Officer