

DECISION

Dispute Codes ET, FF

Introduction:

This Hearing dealt with an application by the Landlord seeking to end this tenancy early pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that she mailed the Tenant the Notice of Dispute Hearing, by registered mail, on July 13, 2010, to the rental unit. The Landlord provided the registered mail receipt and tracking number in evidence.

I am satisfied that the Tenant was served with the Notice of Hearing documents. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being deemed served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and this Hearing proceeded in his absence.

Issue to be Determined:

Has the Landlord show that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Act* to take effect?

Background and Evidence:

The Landlord testified that she had issued a Notice to End Tenancy on June 7, 2010, and that on June 25, 2010, the Tenant had agreed to vacate the rental unit at the end of July, 2010. The Landlord submitted a copy of the Tenant’s written agreement in evidence.

The Landlord testified that the Tenant threatened to destroy the house if the Landlord tried to evict him. She testified that the Tenant had started a fire in the yard, and that the fire department had been called. The Landlord testified that the Tenant was cooking crack on the stove and that the police were investigating the house as a “crack house”. The Landlord stated that the neighbours were afraid of the Tenant, and that the Landlord was fearful that the Tenant had caused and would cause significant damage to the rental unit.

Analysis:

In making an application for an early end to this tenancy the Landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing

other occupants, seriously jeopardizing the health and safety or lawful right or interest of the Landlord and placing the Landlord's property at significant risk, and by proving that it would be unreasonable or unfair to the Landlord or other occupants to wait for a one month Notice to End Tenancy for cause under section 47 of the *Act* to take effect.

Based on the undisputed testimony of the Landlord, I am satisfied that the Landlord has met the burden of showing that the Tenant has put the Landlord's property at significant risk and that it would be unreasonable or unfair for a one month Notice to End Tenancy to take effect. The Landlord's application for an Order of Possession is granted.

The Landlord has been successful in her application and is entitled to recover the cost of the filing fee from the Tenant. I hereby provide the Landlord with a Monetary Order in the amount of \$50.00 against the Tenant.

Normally in these circumstances an Order of Possession is effective after 2 days from service of the Order upon the Tenant. I note that the Tenant provided the Landlord with an agreement that he would vacate the rental unit by July 31, 2010. During the Hearing, the Landlord indicated that she would be serving the Tenant with the Order of Possession immediately, Therefore, in the interest of clarity, I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., July 31, 2010.**

Conclusion:

I hereby provide the Landlord an Order of Possession, **effective 1:00 p.m., July 31, 2010.** This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I grant the Landlord a Monetary Order in the amount of \$50.00. This Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) 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 29, 2010.

Dispute Resolution Officer