

Decision

Dispute Codes: ET / OP, FF

Introduction

This hearing dealt with an application by the landlord for an early end of tenancy / order of possession, and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite being served in person on July 7, 2010 with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on February 1, 2010. Rent in the amount of \$550.00 is payable in advance on the first day of each month. A security deposit of \$275.00 was collected at the outset of tenancy.

The landlord testified that police have been called on a number of occasions during this relatively short tenancy. Complaints to the landlord from other tenants include concerns about loud comings and goings of persons to and from the unit at all hours. The landlord claims that one tenant terminated his tenancy as a result of these behaviours. Further, when confronted by the landlord, the tenant and / or his sister have been verbally abusive. Additionally, despite a provision in the agreement that there will be no smoking in the unit, the tenant and / or his guests persist in smoking inside the unit.

Analysis

Section 56 of the Act addresses **Application for order ending tenancy early**. Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant or a person permitted on the residential property by him, has “significantly interfered with or unreasonably disturbed another occupant or the landlord

of the residential property,” and “seriously jeopardized the health or safety or lawful right or interest of the landlord or another occupant.”

Section 56(2)(b) & (3) state:

56 (2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord’s application,

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord’s notice: cause*] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Pursuant to all of the above, I find that the landlord has established entitlement to an early end of tenancy and an order of possession. As the landlord has succeeded in this application, I find he is entitled to recover the filing fee. Accordingly, I hereby order that the landlord may withhold \$50.00 from the tenant’s security deposit for this purpose.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on 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.

I hereby order that the landlord may recover the filing fee by way of withholding **\$50.00** from the tenant’s security deposit.

DATE: July 26, 2010

Dispute Resolution Officer