

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application for an early end to this tenancy pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) and an Order of Possession.

The tenant did not attend the hearing. The landlords attended the hearing and were given an opportunity to be heard, to present evidence and to make submissions.

The landlords testified that they gave the tenant their application for dispute resolution on August 6, 2010 in the presence of Constable TP of the local Police Department. They entered a signed statement to this effect into evidence. I am satisfied that the landlords served the tenant with notice of their application for dispute resolution in accordance with the *Act*.

Issues(s) to be Decided

Are the landlords entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

The landlord testified that this tenancy commenced on June 1, 2010 on a month-to-month lease. Although the tenant was required to pay \$700.00 per month on the first of each month, they testified that they have not received rent for either July or August 2010.

The landlords submitted considerable evidence in support of their request for an early end to this tenancy and an immediate Order of Possession. The landlords described a number of incidents that have occurred which have resulted in police and ambulances

being called to the rental premises repeatedly. The landlords testified that some of the tenant's guests have advised them that the rental premises are being used to sell drugs. They observed that the behaviours they see seem consistent with this illegal activity. They also noted that there have been repeated fights occurring on the rental premises or nearby involving the tenant and/or her guests. They said that the noise and fighting often continues late into the night. They testified that they found a knife in the garden outside the tenant's premises.

They also entered into evidence a statement from one of the landlord's doctors who confirmed the health effects that this tenancy is having on the landlord who lives above the tenant.

The landlord also entered into evidence written statements from a number of individuals who live near the rental property attesting to the landlord's assertion that the tenant presents an immediate risk to the safety of the neighbourhood. One of these documents contained 21 signatures of residents seeking the tenant's eviction.

The landlords testified that the tenant has told them that she plans to vacate the rental premises on August 20, 2010. However, they noted that the tenant has promised to leave the rental premises a number of times, but has not done so. The landlords asked for an early end to this tenancy and an immediate Order of Possession. They contended that a continuation of the tenancy would result in a safety risk to the landlord and his wife who live above the tenant and to the entire neighbourhood.

Analysis

Section 56(2) and (3) of the *Act* allows a landlord to apply to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

Based on the evidence of the landlord I find that since this short tenancy began there have been ongoing problems at the rental unit. I find that despite warnings the tenant has not curtailed this behaviour. While these incidents may call for the issuance of a one month notice to end tenancy for cause, I find that the continuing noise, fighting and police attendance at the rental premises is frightening to the landlord and those in the neighbourhood. I therefore find that it would be unreasonable and unfair to wait for a notice to end tenancy for cause to take effect. I accept the undisputed testimony and evidence presented by the landlords that there are grounds to end this tenancy early.

Conclusion

I allow the landlord's application for an early end to this tenancy. I grant the landlord an Order of Possession to take effect on or before one o'clock in the afternoon on August 20, 2010.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.