



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on September 3, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an early end to the tenancy.

Background and Evidence

The applicants testified that:

- This tenant poses an extreme safety hazard to the other tenants in the rental building.
- The tenant is frequently extremely intoxicated and is smoking in a no smoking building.
- The tenant falls asleep or passes out while smoking and numerous cigarette butts and burn holes have been found in the carpet beside his bed.
- The tenant refuses to comply with requests to stop smoking.
- The tenant also acts extremely inappropriately, and recently was wandering in the common areas in only a pair of underwear and socks and ended up harassing a female that entered the elevator. As a result the RCMP arrived and removed him from the building.

The applicants therefore request an immediate end to this tenancy as they fear for the safety and well-being of the other occupants of the building.

Analysis

It is my decision that the applicants have shown that this tenant is putting the other occupants of this rental property at significant risk.

The tenant continues to smoke in a non-smoking building and does so while inebriated, and therefore the chance of causing a fire is very real.

This tenant's behaviour is also extremely inappropriate to the point where it is unreasonable to expect the other occupants of the rental property to put up with this behaviour any longer.

An early end to this tenancy is definitely justified.

Conclusion

I order an early end to this tenancy and have issued an Order of Possession that is enforceable two days after it's served on the respondent.

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: September 13, 2010.

Dispute Resolution Officer