

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords to obtain an Order to end the tenancy early and be granted an Order of Possession.

Service of the hearing documents, by the Landlords to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on September 22, 2010. Mail receipt numbers were provided in the Landlord's verbal testimony. The Tenant is deemed to be served the hearing documents on September 27, 2010, the fifth day after they were mailed as per section 90(a) of the *Act*.

The Landlord appeared, gave affirmed testimony, was provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Are the Landlords entitled to end the tenancy and obtain an Order of Possession pursuant to section 56 of the *Residential Tenancy Act*?

Background and Evidence

The fixed term tenancy began on August 15, 2009, and switched to a month to month tenancy after February 29, 2010. Rent is payable on the first of each month in the amount of \$820.00 and the Tenant paid a security deposit of \$410.00 on August 10, 2009.

The Landlord testified that three different tenants called her via telephone on September 16, 2010, to complain about incidents involving the Tenant which occurred that day. Two of the complaints came from tenants who were victimized by the Tenant that day and one was a witness to the Tenant stabbing another tenant's boyfriend with a knife. The police were called and the Tenant was taken away. He did not return to the rental unit for several days afterward. The Landlord stated that the tenants are concerned for the safety of themselves and their children as the attacks which occurred were unprovoked.

The Landlord stated that the tenants believe the Tenant was very drunk on this date which may have contributed to his anger. She advised that this complex is located in a rural area on an acreage where there are ten rental units consisting of duplexes or single family homes that are built close together. There are no fenced yards, the yard is one big common space however each unit has their own individual driveway and separate entrances. There are no common areas inside as each unit is separate.

In reviewing the documentary evidence the Landlord confirmed that there is a clerical error in one of the written statements as it is dated September 15, 2010 and not September 16, 2010. The Landlord knew without a doubt that the assaults occurred on September 16, 2010. She confirmed the police file number provided in her evidence is related to the Tenant stabbing another Tenant's boyfriend who was a guest at the rental complex.

Analysis

All of the testimony and documentary evidence was carefully considered.

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month Notice to End Tenancy if there is evidence that the Tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month Notice to End Tenancy.

Based on the evidence and testimony submitted by the Landlord, I find that the Tenant have significantly breached the tenancy agreement and the *Act* by adversely affecting the quiet enjoyment, security, safety and physical well being of another occupant and their guest. Based on these conclusions I find that the Landlord has established sufficient cause to end this tenancy.

Next I have considered whether it would be unreasonable or unfair to the landlord to wait for a one month Notice to End Tenancy to take effect. I have accepted that the Tenant has taken action which put other tenant's and their guest's safety and physical well being at risk. Based on this conclusion I find it would be unreasonable to wait for a one month Notice to End Tenancy to take effect. Therefore I grant the landlord's application to end this tenancy early.

Based on the aforementioned I hereby grant an Order of Possession effective **immediately** after it is served upon the Tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

I have granted the landlord's application to end this tenancy early pursuant to section 56 of the *Act* and I have issued the landlord an Order of Possession effective **immediately** after service to the respondent Tenant.

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: October 01, 2010.

Dispute Resolution Officer