

DECISION

Dispute Codes

ET, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for an early end to a tenancy and the requisite order of possession. The application is inclusive of a claim to recover the filing fee for this application.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend. The landlord testified he serve the tenant with the Notice of Hearing documentation by personal service to one of the tenants. The other tenant was incarcerated by Police, therefore, the landlord also posted the Notice to the door of the rental unit on October 18, 2010. The landlord also testified this service was witnessed by a third party. I accept the tenant(s) was served in accordance with the requirements of the *Residential Tenancy Act (Act)* for the purposes of this hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession without the requirement of one (1) month's notice, pursuant to 56 of the *Act* ?

Background and Evidence

The landlord submitted into evidence the following documents:

- A copy of a sworn court charges information document dated October 15, 2010 identifying that the tenant did assault another person on October 15, 2010. The document was provided as sworn by a Justice of the Peace in and for the Province of British Columbia.

The landlord testified that the victim of the assault is a direct neighbour of the tenant in another suite of the residential property.

Analysis

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an order of possession without providing a 1Month Notice to End Tenancy for Cause, if the

landlord has cause to end the tenancy and that it would unreasonable or unfair to the landlord or other occupants of the residential property to wait for a notice to end the tenancy.

Based on the evidence submitted, I find the landlord has established the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property, and engaged in an illegal activity that has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant.

I also find, that the landlord has established that it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a notice to end tenancy issued under Section 47 to take effect.

I find that the tenancy will end as of this date. The landlord is entitled to an Order of Possession.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court 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*.
