



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application for an early end of tenancy and Order of Possession. The tenant did not appear at the hearing. The landlord provided a tracking number as evidence the tenant was notified of this hearing by registered mail sent to the rental unit. Having been satisfied the tenant was sufficiently served I proceeded to hear from the landlord without the tenant present.

### Issues(s) to be Decided

Has the landlord established that the tenancy should end early and an entitlement to an Order of Possession?

### Background and Evidence

The landlord provided the following undisputed evidence. The one-year fixed term tenancy commenced March 2010. The tenant is required to pay rent of \$750.00 on the 1<sup>st</sup> day of every month. The tenant paid a security deposit and pet deposit of \$375.00 each. The rental unit is a basement suite located in the landlord's residence. The landlord last saw the tenant in the rental unit in mid-September 2010. The tenant has not been seen since then and did not pay rent for October 2010. The landlord discovered two unknown males smoking in the rental unit on October 7, 2010. One of the males claimed to be the tenant's ex-spouse and suggested the tenant may have moved. The police were called by the landlord and the landlord discovered the rental unit full of garbage and the tenant's possessions all over the floor of the rental unit. The

police attended to remove the males and upon the advice from the police the landlord changed the locks to the rental unit. One of the males returned a couple of days later demanding to be let into the rental unit. The landlord refused to permit him entry without the permission of the tenant or the police. The male returned later that night and the police were called again. The police permitted the male to retrieve a couple of items from the rental unit.

The landlord stated he is very concerned about the health and safety condition of the rental unit and his residence as a terrible odour is coming from the rental unit and all of the garbage and possessions piled on the floor make it a fire hazard.

Provided as evidence were copies of police reports and photographs of the rental unit.

### Analysis

The landlord has applied for an early end of tenancy and Order of Possession as provided under section 56 of the Act. Section 56 provides that a Dispute Resolution Officer may order the tenancy end earlier than an effective date that would appear on a 1 Month Notice to End Tenancy for Cause if satisfied it is unreasonable to wait for such a notice to take effect and there is cause to end the tenancy. Cause to end a tenancy includes situations where

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;

Based upon the evidence presented to me, including the landlord's testimony, photographs and the police reports, I am satisfied that the tenant has failed to maintain reasonable health, safety and sanitary standards which has created a serious health and safety concern and the tenant has provided unsupervised access to the rental unit to unknown individuals who have unreasonably disturbed the landlord.

In light of the above, and the fact the tenant has not been seen in several weeks, I find it is unreasonable to wait for a 1 Month Notice to take effect and I order that this tenancy ends effective two days after service of the enclosed Order of Possession upon the tenant. With this decision I provide the landlord with an Order of Possession to serve upon the tenant by personal service, registered mail or posting on the rental unit door.

As further information for the landlord I enclose information with respect to handling of abandoned property. Should the landlord have additional questions, I refer the landlord to contact the Residential Tenancy Branch via telephone, email or in-person.

### Conclusion

The tenancy shall end and the tenant must vacate the rental unit two days after service of the Order of Possession upon the 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 22, 2010.

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Dispute Resolution Officer