



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with an application by the landlord for an order ending this tenancy early. The tenant did not participate in the conference call hearing. The landlord testified that he had served the tenant with the application for dispute resolution and notice of hearing by giving the documents to the tenant's brother who does not reside with her, but is a frequent visitor in her home. Section 89(2)(c) of the Act permits a landlord to serve an application for an early end to tenancy by leaving a copy of the application with an adult who apparently resides with the tenant. Although the brother does not reside with the tenant, I find that he is at the rental unit a significant amount of time and has frequent contact with the tenant. Pursuant to section 71(2)(c) of the Act I find that the application for dispute resolution and notice of hearing were sufficiently served for the purposes of the Act.

### Issue to be Decided

Is the landlord entitled to an order ending this tenancy early?

### Background and Evidence

The undisputed testimony of the landlord and witnesses is as follows. On or about September 17, the tenant held a party in the rental unit which was disturbing neighbours. The landlord's agents L.F. and C.C. went to the rental unit to request that the tenant minimize the disturbance and were confronted by the tenant's boyfriend. The boyfriend was intoxicated and screamed at the agents, telling them both that he would

“get you” and that he knew where they lived, so they should watch their backs. The boyfriend is a frequent guest at the rental unit and has caused other disturbances in the past.

### Analysis

I accept the undisputed testimony of the landlord and his agents. I find that the tenant's guest threatened the landlord's agents. I am satisfied that the behaviour of the tenant's guest has unreasonably disturbed other occupants and seriously jeopardized the safety of the landlord's agents.

In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession. A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application. The landlord may deduct this sum from the tenant's security deposit.

### Conclusion

The landlord is granted an order of possession and awarded \$50.00 which he may deduct from the security deposit.

Dated: October 07, 2010

---

Dispute Resolution Officer