

Decision

Dispute Codes: ET/ OPC

Introduction

This hearing dealt with an application by the landlord for an early end to tenancy and an order of possession. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on August 1, 2010. The tenant's portion of monthly rent is \$328.00.

Documentary evidence and witness testimony speak to miscellaneous occasions when the tenant's behavior has been physically and verbally aggressive and threatening towards both, the landlord and other tenants. Police have been called. The tenant defended his actions and claimed there have been break-ins to his unit. The tenant withdrew from the conference call prior to its conclusion.

Analysis

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides in part as follows:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (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;

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the landlord has proven grounds for entitlement to an early end to tenancy and an order of possession. Specifically, I am persuaded that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord, and that the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

Conclusion

Pursuant to the above, I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: November 24, 2010

Dispute Resolution Officer