



Dispute Resolution Services

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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 the tenancy early and an order of possession. The landlord also requested recovery of the filing fee from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on October 22, 2010 the tenant failed to appear for the hearing.

Issues(s) to be Decided

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

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began on May 1, 2010. The tenant moved into the rental unit with her infant daughter. According to Ms. H, the problems in the rental unit were not caused by the tenant but rather by her boyfriend. Ms. H testified that the tenant gave her keys to her boyfriend and he began bringing friends to the rental unit to party whenever the tenant went home to see her mother. The landlord began receiving complaints from other tenants about the noise and those who complained began receiving threats from the boyfriend and his friends. The landlord submitted copies of some of the letters of complaint. The landlord served the tenant with a one month Notice to End Tenancy on October 15, 2010. The tenant did not dispute the Notice. However, after service of the Notice the behaviour of the tenant's boyfriend began to escalate and the landlord decided to pursue an early end to the tenancy.

Ms. H testified that the boyfriend is now in jail and that the tenant is in the process of moving out of the rental unit but that the landlord still wishes to obtain an order of possession for this rental unit.

Analysis

Section 56 of the Act states that a landlord may request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given for cause under Section 47. Upon receipt of such an application, the director may make an order specifying an earlier date on which a tenancy ends and the effective date of an order of possession for the rental unit only if the director is satisfied that certain conditions exist. These conditions are listed in Section 56(2) of the Act.

In the present case the landlord has applied for an order ending the tenancy early on the basis that a person permitted on the residential property by the tenant has significantly interfered with and unreasonably disturbed other occupants of the residential property and that it would be unfair to the other occupants to wait for a one month notice to take effect.

I am satisfied based on the evidence before me that the landlord has proved its case.

Conclusion

Based on all of the above, I grant the landlord an order ending the tenancy early. I also grant the landlord an order of possession effective two days from the date of service. This order may be filed in the Supreme Court of British Columbia 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*.