



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** ET

### **Introduction:**

This hearing was convened upon the application of the landlord seeking an early end of this tenancy.

The tenant did not appear at the hearing. The landlord gave evidence that she and a friend served the tenant with the Application for Dispute Resolution by posting the notice to the rental unit door on December 6, 2010. I am therefore satisfied that the tenant has been duly deemed served as required by the Act.

The landlord gave evidence under oath.

### **Issue**

Is the landlord entitled to an order ending this tenancy early that is without serving a one month Notice to End Tenancy for cause?

### **Background and Evidence**

The rental unit is the basement suite of the landlord's home. The landlord's son testified that his wife was in the drive-way loading their children into the vehicle and his father was assisting when the tenant and her friends arrived. The landlord's son says his father is disabled and the tenant's and her friends began accosting his father and eventually bear sprayed him. The landlord's son said he was inside when he heard his wife call him and when he arrived to assist his family he was bear sprayed too. In addition, one of the tenant's guests had a knife that he was waving around. A neighbour noticed the incident and called the police. That neighbour also yelled out that the police were on their way and the tenant's friends disbursed. In addition a police officer was in the neighbourhood attending to a traffic issue and he heard the yelling. The landlord's son testified that it was this police officer who apprehend the tenant's friends who began to leave the area. The landlord's son says the tenant's friends were then arrested.

In a previous incident the landlord's son testified that the tenant and/or her friends parked a motor-vehicle in the rental unit drive-way although the rental unit did not include parking for the tenant. The landlord's son testified that the police attended to

seize the vehicle and advised the landlord that the vehicle was stolen and may have been used in a crime.

The landlord says the conduct of the tenant and/or her guests have caused his family including the children to be very frightened for their own safety and security in the rental unit.

### **Analysis**

Section 56 of the *Residential Tenancy Act* says that a landlord may make application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

Based on the undisputed evidence of the landlord I find that the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property, that they have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. I find that the conduct has frightened the tenants such that they fear for their safety and it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

### **Conclusion**

I will allow the landlord's application to end this tenancy early and grant the landlord an immediate Order of Possession. This Order may be filed in the Supreme Court and enforced as an order of that Court.

---