



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** ET

### **Introduction:**

This is the Landlords' application to end this tenancy early pursuant to section 56 of the *Act*.

The Landlord's agent gave affirmed testimony at the hearing

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on November 25, 2010. The Landlord provided a copy of the registered mail receipt and tracking number in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

### **Issue to be Determined:**

Have the Landlords show that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Act* to take effect?

**Background and Evidence:**

A copy of the tenancy agreement, which was signed by the parties on January 1, 2010, was entered in evidence. This tenancy began on January 1, 2010 for the monthly rent of \$550.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$275.00 on January 1, 2010.

The Landlords are seeking to end this tenancy early because the Tenant has threatened the lives of the Landlord's agent, her daughter, her infant granddaughter and two other tenants in the rental property. The Landlord testified that the Police were called and arrested the Tenant on November 21, 2010. Copies of letters written by two other tenants and the Landlord's agent were entered in evidence. The letters attest that the Tenant has threatened lives in the rental property and has asked one of the tenants to help him in a plan to kill people living in the rental property.

**Analysis:**

In making an application for an early end to this tenancy the Landlords have the burden of proving that there is cause for ending the tenancy, such as the Tenant has unreasonably disturbed the Landlords or other occupants; seriously jeopardized the health and safety or lawful right or interest of the Landlords or other occupants; and placed the Landlords' property at significant risk. The Landlords must also prove that it would be unreasonable or unfair to the Landlords or other occupants to wait for a one month Notice to End Tenancy for cause under section 47 of the *Act* to take effect.

I am satisfied that the Landlords have met this burden. Based on the testimony and documentary evidence I am satisfied that the Tenant has unreasonably disturbed the Landlords and other occupants and seriously jeopardized the safety of the Landlords and other occupants. The Landlords have shown that it would be unreasonable or unfair to the Landlords or other occupants to wait for a One Month Notice to End Tenancy for Cause to take effect.

The Landlord is hereby provided with an immediate Order of Possession.

**Conclusion:**

I hereby provide the Landlords with an Order of Possession **effective 1:00 p.m., December 6, 2010**. This Order must be served on the Tenant and 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*.

Dated: December 06, 2010.

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