

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlord and the named tenant participated in the hearing.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is one half of a duplex un Surrey. The tenancy began in November, 2008. The landlord submitted photographs of the rental property and inside the rental unit. The photographs reveal that the property and the inside of the unit is filled with junk collected by the tenants. the landlord testified that electrical power to the rental unit was turned off because the tenants did not pay the hydro bills. The landlord testified and produced photographs to verify that the electrical meter was illegally bypassed to provided electricity the rental unit after the power was turned off. Since the power was bypassed, BC Hydro has removed the power meter and the rental unit is without power. The tenant denied that he bypassed the power meter; he suggested that a friend of his co-tenant might have done it.

The tenants in the adjacent property have complained about the tenants. There have been numerous fights between the tenants and police attendances. The tenants have disturbed the adjacent occupants with extremely loud music. The occupants are concerned because the tenants continue to reside in the rental unit without power; they are concerned that the use of candles or other flammable materials creates a fire hazard. The landlord said that his recent inspection revealed a serious mould problem due to the lack of heat in the rental unit.

The landlord submitted a mutual agreement to end tenancy signed by the tenant on July 21, 2010. Pursuant to the agreement the tenant agreed to move out of the rental unit on August 23, 2010, but he has not done so.

Analysis and Conclusion

Section 56 (2) of the Act permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property 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. Section 56 (3) of the Act provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The evidence of the landlord has satisfied me that the tenant has engaged in illegal activity that has affected the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property 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 to take effect. Accordingly I order the tenancy to be at an end

effective today, November 10, 2010 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Dated: November 10, 2010.
