



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlords seeking to end this tenancy early pursuant to section 56 of the *Act*. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

The female tenant did not appear for the hearing until approximately 1:17 p.m. and did not affirm her oral testimony. The female tenant also disconnected from the conference all before the hearing was completed.

Issue(s) to be Decided

Have the tenants unreasonably and significantly disturbed the other occupants of this residential property entitling the landlord to end the tenancy early?

Background and Evidence

This tenancy began December 1, 2010 for the monthly rent of \$750.00 and a \$375.00 security deposit which was paid on November 16, 2010.

The landlord and their witness described how the tenants were disturbing other occupants almost immediately after the tenancy began. ON December 9, 2010 the landlords gave the tenants a verbal warning about this disturbing behaviour and on December 31, 2010 the landlords issued the tenants a written warning letter. The problems experienced by other occupants and the landlords include:

- Ongoing noise and foul language throughout the night and day;
- Constant arguing and fighting between the two tenants;
- Threats and verbal assault on other occupants of the building; and
- Excessive traffic of unauthorized people in the building late at night and early morning hours.

On January 4, 2011 the female tenant's boyfriend and the male tenant engaged in a serious fight which resulted in the male tenant being stabbed. The female tenant denies that the male tenant was stabbed and the two tenants engaged in a heated and vocal argument during the hearing about this issue and again later in the hearing about denying access of the rental unit to the female tenant's boyfriend.

The landlord's witness described how the tenants are constantly engaged in verbal fights which constantly disturb him and happen at all hours of the day or night. The witness stated that he is surprised that no one has been killed based on the noise from the fights.

The landlords' requested an early end to the tenancy and an Order of Possession. The landlords state that the behaviour of the tenants is so unreasonable and disturbing that their other tenants have all indicated that they will vacate the building if these tenants remain. The landlord submit that the problems with the tenants are always on the verge of escalating, as they did on January 4, 2011, and it would be unreasonable and unfair to allow this tenancy to continue.

Analysis

Section 56 of the *Act* is an extraordinary remedy which grants the Director authority to end a tenancy without a notice of end tenancy if sufficient cause is established and the landlord demonstrates that it would be both unfair and unreasonable to allow the tenancy to continue until a one month Notice to End Tenancy under section 47 would take effect.

I am satisfied that the tenants have unreasonable and significantly disturbed other occupants and the landlords of the building and the tenants are in breach of the tenancy agreement and the *Act*. I am also satisfied that the tenants are incapable of living peacefully in the rental unit without constant fighting and there is a significant likelihood that the conflicts could escalate into violence as it did on January 4, 2011.

Therefore, I grant the landlords' application and have issued an Order of Possession effective **two (2) days** after it has been served upon the tenants.

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

The landlords and the tenants did reach a mutual agreement allowing the tenants to remain in the rental unit until January 31, 2011 at 1:00 p.m.; however, this agreement is based on the following conditions:

- That the tenants keep the peace and do not disturb or harass the other occupants of the rental unit or the landlords and;
- The female tenant's boyfriend does not come to the rental unit or rental property.

The landlords are at liberty to serve and enforce the Order of Possession at anytime in the event that the tenants do not abide by the mutual agreement and these terms.

Conclusion

The landlords' application is grant and an Order of Possession effective **two (2) days** after it has been served upon the tenants has been issued. This Order may be filed with 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: January 13, 2011.

Residential Tenancy Branch