



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application for Dispute Resolution seeking to end the tenancy pursuant to section 56 of the *Act*.

The tenants did not appear for the hearing. The landlord provided affirmed oral evidence that the tenants were served with notice of this application, hearing and evidence when it was posted to the door of the rental unit on January 21, 2010.

I proceeded with the hearing in the tenants' as I deem the tenants were served on the third day after the documents were posted to the door of the rental unit pursuant to section 90(c) of the *Act*.

Issue(s) to be Decided

Did the tenants breach the tenancy agreement, *Act* and regulations requiring this tenancy to be ended early?

Would it be unreasonable and unfair to the landlord and other occupants if this tenancy did not end early?

Background and Evidence

This tenancy began on December 14, 2010 for the monthly rent of \$765.00 and a \$382.50 security deposit.

The landlord stated that problems began immediately including:

- Unreasonable noise and disturbances occurring in the rental unit and in the common areas of the residential building all hours of the day and night; and

- Alleged illegal activities occurring in the rental unit and common areas of the residential building, including theft, drugs, and prostitution.

The landlord provided multiple letters from other occupants in the rental unit confirming they have been unreasonably disturbed and is concerned about their safety and wellbeing because of the alleged illegal activities occurring at the rental unit and the criminal element present at the residential property.

The landlord stated that two long term tenants have already ended their tenancies due to the disturbances caused since the tenants moved into the residential building.

The landlord stated that one of the tenants signed a mutual end to the tenancy effective **January 23, 2011** and accepted the return of the security deposit; however, the landlord is concerned that the tenants will return and she wants to have possession of the rental unit and the authority to change the locks to the residential building.

Analysis

I grant the landlord's application. I am persuaded by the evidence submitted that the tenants are significantly and unreasonably disturbing other occupants and the landlord. I also grant the landlord's application on the basis that the tenants have mutually agreed to end this tenancy effective **January 23, 2011**.

I also authorize the landlord to immediately change the locks to the rental unit and to the residential property to security the safety of other occupants and the landlord.

Conclusion

The landlord's application is granted and I have granted the landlord **immediate possession** of the rental unit. I have issued an Order of Possession which may be filed with the Province of British Columbia Supreme Court 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 27, 2011.

Residential Tenancy Branch