



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession to end the tenancy early and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They presented oral evidence and confirmed receipt of the material they intended to submit at the hearing.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The rental unit consists of a one bedroom apartment in a multi-unit complex located in Surrey. Pursuant to a written agreement, the fixed term tenancy started on March 1<sup>st</sup>, 2010 and ending on February 28<sup>th</sup>, 2011. The monthly rent of \$625.00 was payable on the first of each month. The tenant paid a security deposit in the amount of \$312.50.

In her written submissions, the landlord provided several letters of complaint by neighbouring tenants and warning letters from the landlord, specifically:

February 26<sup>th</sup>, 2010: landlord's warning letter about the kind of people the tenant allows into the rental unit as roommates.

- April 30<sup>th</sup>, 2010: neighbours complain about tenant moving in gas powered equipment, and kids bringing unknown contents into the tenant's suite at all hours and their concerns about personal safety.
- June 29<sup>th</sup>, 2010: Warning letter from the landlord regarding the tenant's use of his balcony as a workshop.
- August 26<sup>th</sup>, 2010: landlord's letter regarding numerous complaints from neighbours about noise coming from the tenant's balcony.
- September 27<sup>th</sup>, 2010: landlord's warning letter about youth activities and strong odour of gasoline from the tenant's suite.
- November 28<sup>th</sup>, 2010: neighbour complains about the tenant's noise all night, use of heavy machinery, friends outside throwing rocks at tenant's window, and the tenant continually throwing debris off his balcony.
- December 6<sup>th</sup>, 2010: landlord's letter regarding a \$75.00 fine against the tenant for unlawful disposal of garbage.
- January 14<sup>th</sup>, 2011: neighbours complain about tenant's guests shooting at them with a pellet gun, and their bicycles blocking access to the lobby.

The landlord testified that she served the tenant with a 1 Month Notice to End Tenancy for Cause, effective January 31<sup>st</sup>, 2011. The tenant testified that although he did not agree with all the complaints lodged against him, he agreed to move out on January 31<sup>st</sup>, 2011.

### Conclusion

Since the tenant agreed to leave by January 31<sup>st</sup>, 2011, I grant the landlord an Order of Possession effective January 31<sup>st</sup>, 2011. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since she was successful, I grant the landlord recovery of the \$50.00 filing fee, which I authorize the landlord to deduct from the tenant's security deposit.

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.

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Residential Tenancy Branch