

DECISION

Dispute Codes ET, FF

Introduction

This is an application by the Landlord to end the tenancy early and obtain an order of possession.

The Landlord appeared for the hearing by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession to end the tenancy early?

Background and Evidence

This tenancy began on March 20, 2010 on a month to month basis. The monthly rent is \$925.00 payable on the 1st of each month. A security deposit of \$462.50 was paid on March 13, 2010.

The Landlord states that she served the notice of a dispute resolution hearing package along with copies of her evidence in person on January 13, 2011. The Landlord has provided into evidence a proof of service document with a signed acknowledgement of one of the Tenant's.

The Landlord application states that the Tenant and guests of the Tenant assaulted the next door neighbour as shown in the letter of V.M. dated January 10, 2011, when she attended the rental unit. V.M. attended on January 8, 2011 at approximately 1:00AM approximately to stop disturbing the neighbourhood with loud noises from their party. The Landlord states in their evidence that the police attended 3 times responding to noise complaints from neighbours. The Landlord states that V.M. was assaulted and hospitalized and has suffered numerous threats of violence from the Tenant's. The Landlord has also submitted evidence of another Tenant, L.A. who fears living at her rental unit due to the threats received from these Tenants. The Landlord has submitted evidence that the police have attended atleast 10 times from the beginning December 2010 until the beginning of this hearing. The Landlord has also submitted a mutual agreement to end the tenancy dated December 30, 2010 to take effect on January 31, 2011.

Analysis

Based upon the undisputed affirmed testimony of the Landlord, I am satisfied that the Tenants were properly served with the hearing and evidence documents on January 13, 2011.

I find that the Landlord has provided sufficient grounds to end the tenancy early. The Tenant or a person permitted on the residential property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord of the residential property. I further determine that the Tenants 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. I find that 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.

I grant an order of possession to the Landlord to end the tenancy early. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I find that the Landlord having been successful is entitled to the recovery of the \$50.00 filing fee for this application. I grant the Landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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 21, 2011.

Residential Tenancy Branch