



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to end the tenancy immediately (ET) without notice and to recover the cost of the filing fee from the Tenants for this application.

Service of the hearing documents, by the Landlord to the Tenants, was done in accordance with section 89(2) of the *Act*, left at the tenants' residence in a conspicuous place, on the kitchen counter, on January 22, 2011. The Landlord returned to the rental unit on January 30, 2011, and the hearing documents had been removed. I find the Tenants have been sufficiently served with Notice of today's hearing, in accordance with the *Act*.

The Landlord appeared at the teleconference hearing, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Have the Tenants breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to end this tenancy?

Background and Evidence

The parties entered into a fixed term tenancy effective August 1, 2010 which was set to switch to a month to month tenancy after August 1, 2011. Rent was payable on the first of each month in the amount of \$1,400.00. The Tenants paid \$700.00 for a security deposit on July 17, 2010.

The Landlord testified a neighbour to the rental property called him to advise a Tenant was arrested at the rental unit on January 15, 2011. The Landlord contacted the police

and confirmed a search warrant was executed at the rental property, as supported by his evidence.

The Landlord later inspected the unit and found that there were two dogs, one cat, a pet rodent, and a frog which were left unattended in the rental unit for several days causing severe damage to the property, as supported by his photographs which were taken January 15, 2011. The Landlord reported the abandoned animals and the SPCA picked them up on January 17, 2011.

The Landlord advised that the majority of the Tenants' possessions have since been removed from the rental property and they left a large amount of debris to be disposed of. He is seeking an immediate order of possession.

Analysis

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month Notice to End Tenancy if there is evidence that the tenants have breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month Notice to End Tenancy.

There was very little evidence on which to determine the issue before me; however, based on the testimony and photographic evidence submitted by the Landlord I find that the Tenants have significantly breached the tenancy agreement and the *Act* by leaving animals unfed and unattended inside the rental unit for several days. I find that the landlord has established sufficient cause to end this tenancy.

Next I have considered whether it would be unreasonable or unfair to the Landlord to wait for a one month Notice to End Tenancy to take effect. I have accepted that the Tenants have caused damage to the rental unit, failed to pay the February 1, 2011 rent, and appeared to have abandoned the unit. Based on these conclusions I find it would be unreasonable to wait for a one month Notice to End Tenancy to take effect. Based on the aforementioned I grant the Landlord's application to end this tenancy early.

The Landlord has been successful with his application, therefore I award recovery of the \$50.00 filing fee.

Conclusion

The Landlord's decision will be accompanied by an Order of Possession effective immediately upon service to the Tenants. The Order must be served on the Tenants and may be enforced through Supreme Court as an Order of that Court.

The Landlord may withhold \$50.00 from the Tenants' security deposit as compensation for this one time award of the filing fee.

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: February 01, 2011.

Residential Tenancy Branch