

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an application by the landlord for an order ending the tenancy early, order of possession and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

The landlord testified that on March 9, 2011 they were called to the property and upon arrival found that a wine bottle had been thrown through the tenant's 3rd floor window and smashed on to the patio below. The RCMP attended the scene and had to break in through the tenant's door to gain access to the rental unit. During this incident the tenant threatened the caretaker and stated *'I'm gonna f'n kill you if I ever get you alone'* and threw a lit cigarette at one of the officers in attendance; the tenant was subsequently arrested under the Mental Health Act.

The landlord stated that upon entry into the tenant's rental unit they found the unit to be uninhabitable as there was broken glass all over the floor, the vanity and vanity mirror had been smashed, a window broken and that there is so much trash piled up in the rental unit that it was difficult to walk freely in the unit.

The landlord stated that after the tenant was released the tenant threatened the landlord and staff stating that he *'will get them'* as they *'have cameras in the trees and film him through his walls and floors'*. Since his return to the property the tenant has flooded his apartment and the 2 units below him, kicked in the mail boxes for the complex and threatened the caretaker.

The landlord is greatly concerned for the safety of the staff and other resident's and is seeking an order to end the tenancy early and obtain an order of possession for the rental unit.

Analysis

Section 56 of the Act states that a landlord may request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given for cause under Section 47. Upon receipt of such an application, the director may make an order specifying an earlier date on which a tenancy ends and the effective date of an order of possession for the rental unit only if the director is satisfied that certain conditions exist. These conditions are listed in Section 56(2) of the Act.

In the present case the landlord has applied for an order ending the tenancy early on the basis that the tenant causes a serious threat to the well being of the landlord, staff and residents, that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health or safety or lawful right of another occupant or the landlord and put the landlord's property at significant risk.

I am satisfied based on the evidence and undisputed testimony of the landlord that the landlord has proved its case.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

Based on all of the above, I grant the landlord an order ending the tenancy early. I also grant the landlord an **Order of Possession** effective **2 days** after service of the Order upon the tenant. This Order must be served on the tenant and may be filed in 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: March 23, 2011

Residential Tenancy Branch