

DECISION

Dispute Codes ET

Introduction

This application is filed by the Landlord for an order of possession to end the tenancy early.

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

Issue(s) to be Decided

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

Background and Evidence

The Landlord stated that the Tenant was served in person with the notice of hearing documents on June 29, 2011.

The Landlord states that no tenancy agreement was made with the Tenant. The Tenant moved into the rental unit without the knowledge of the Landlord. The Landlord has stated that the key from underneath a flowerpot was removed by the Tenant without permission to access the rental unit. The Landlord has submitted written documentation from a contractor who was renovating the unit at the time that the key underneath the flowerpot was removed and that he could not continue the renovations with the rental unit being occupied. The Landlord states that she accepted a \$400.00 cash deposit to hold the rental unit.

The Landlord states that the male Tenant was criminally charged with an offence of possession of a weapon (a knife). The Landlord states that the Tenant, T.L., was issued a court order to not attend the rental unit address for threatening her husband with the knife. The Landlord has provided a copy of the sworn information charging the Tenant, T.L.

Analysis

Based upon the undisputed testimony of the Landlord, I am satisfied that the Tenant was properly served with the notice of hearing documents. I find that a Tenancy does

exist based upon the Landlord's own testimony that a cash deposit was received and deposited into their bank account.

I find based upon the undisputed testimony of the Landlord that the Tenant is subject to a Provincial Criminal Court Order to not attend the rental unit due to a criminal charge that resulted from an incident with the Landlord. I am satisfied that the Landlord is entitled to an order of possession to end the tenancy early. The Landlord's application is granted.

Conclusion

The Landlord's application to end the tenancy early is granted. The Landlord is entitled to an order of possession. 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.

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: July 11, 2011.

Residential Tenancy Branch