



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with an application by the landlord for an order ending this tenancy early. Both parties participated in the conference call hearing.

### Issue to be Decided

Should the tenancy be ended early?

### Background and Evidence

The facts were not in dispute. In July 2011 the landlords inspected the rental unit and found it to be excessively cluttered and dirty and issued the tenant a notice advising him that he needed to clean the unit. The landlords inspected the unit again in August and discovered that the tenant had not cleaned the unit. The landlords arranged for an inspector from Vancouver Island Health Authority to inspect the unit. The inspector issued a letter advising that the residence was unfit for human habitation and declaring the residence to be a health hazard both to the tenant and to occupants of adjoining residents. The letter indicated that there was a general neglect of the home interior "including the accumulation of garbage, a great number of accumulated items, a severe fly infestation and offensive odors throughout."

The letter directed the landlord to remove the accumulated items, thoroughly clean the interior of the unit and eliminate the fly infestation no later than August 31, 2011.

The landlord provided photographs of the unit showing that virtually all surface areas were covered with garbage or belongings, the unit was exceedingly soiled and the kitchen area in particular had an extreme growth of mould. The tenant acknowledged that the photographs accurately represented the condition of the rental unit.

Analysis

I am satisfied that the landlord has grounds to end the tenancy early. I find that the condition of the unit places not only the tenant at risk, but also the suites adjacent to the unit and I find that it would be unreasonable to force the landlord to wait for a one month notice to end tenancy to take effect.

I grant the landlord an order of possession. This order must be served on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

I also find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application. The landlord may deduct this sum from the security deposit.

Conclusion

The landlord is granted an order of possession and may deduct \$50.00 from the 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: August 29, 2011

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Residential Tenancy Branch