



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to section 56 of the Act, whereby a landlord may end the tenancy early. Despite having been served with the application for dispute resolution and notice of hearing by posting the notice on the tenant's door on July 28, 2011, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Should the tenancy be ended early?

Background and Evidence

On July 21, 2011, the tenant, in a mentally disturbed state apparently induced by a drug overdose, built a fire pit in his rental unit and started a fire. An employee of the landlord put out the fire on the tenant and his wheelchair and then put out the fire in the rental unit. The tenant was taken to hospital and later transferred to a mental health unit. The landlord's employee suffered smoke inhalation. The damage to the rental unit was primarily smoke damage. However, the landlord has no assurance that such an incident will not occur again, and they must protect the safety of the other residents of the building.

Analysis

Based on the landlord's undisputed evidence I find that an early end of tenancy is warranted in the circumstances. It would not be reasonable for the landlord to jeopardize the health and safety of other residents of the building by allowing the tenant to return to the building and require the landlord to end the tenancy through a notice to end tenancy for cause.

The landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service. 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: August 8, 2011.

Residential Tenancy Branch