

DECISION

Dispute Codes: ET

Introduction

This application was brought by landlord on August 29, 2011 seeking an Order of Possession to end the tenancy early under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the Act which requires a Notice to End Tenancy of a minimum of one month.

Despite service of the Notice of Hearing in person on August 30, 2011, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, I proceeded in their absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession under the requirements of section 56 of the *Act* and, if so, the effective date of such order.

Background and Evidence

This tenancy began on July 1, 2011. Rent is \$700 per month and the landlord holds a security deposit of \$350 paid on July 1, 2011. The tenants are two female friends.

At the commencement of the hearing, the landlord advised that he had been out of the country on vacation from July 15, 2011 to August 24, 2011. He stated that, on his return, he was advised that there had been in the order of 10 police calls to the rental unit in his absence that police advised had been in response to calls from both neighbors and other tenants..

The landlord stated that complaints had included late night screaming and other disturbances, physical fights in which they tenants had inflicted visible injury on each other, arguments with other tenants and damage to the rental unit.

The landlord submitted signed statements from the tenants dated August 27, 2011 in which they promised to vacate the rental unit if there were any further disturbances. However, the following day, police were again called to the rental unit to quell a disturbance and one of the tenants was taken into custody.

Analysis

Section 56(2)(a)(i) of the *Act* authorizes a designate of the Director to issue an Order of Possession in circumstances in which, “a tenant or a person permitted on the residential property by the tenant.... has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property”

I find on the balance of probabilities that the tenants’ conduct has gone beyond significant interference. Therefore, I find that the landlord is entitled to the Order of Possession effective two days from service of it on the tenants.

Conclusion

The landlord’s copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective two days from service of it on the tenants.

The landlord remains at liberty to make application for any damage or losses as may be ascertained at the conclusion of the tenancy.

September 7, 2011