



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 for Dispute Resolution by the Landlord to obtain an Order of Possession to end the tenancy early.

Service of the hearing documents, by the Landlord to the Tenants, was done in accordance with section 89 of the *Act*, posted to the Tenants' door on October 13, 2011.

The Landlord appeared at the teleconference hearing, gave affirmed testimony, was provided the opportunity to present their evidence orally, in writing, and in documentary form. No one appeared on behalf of the Tenants despite them being served notice of this hearing in accordance with the *Act*.

Issues(s) to be Decided

Is the Landlord entitled to an Order of Possession under section 56 of the *Residential Tenancy Act*?

Background and Evidence

The parties entered into a month to month tenancy that was set to begin on April 1, 2011. Rent is payable on the first of each month in the amount of \$650.00 and on April 15, 2011 the Tenants paid \$325.00 as the security deposit.

The Witness affirmed that she felt so threatened by the female Tenant after she placed a posting on a social media website that she felt she had to move out of the building to avoid being beaten up by the female Tenant.

The Landlord affirmed that her written statement provided a chronological list of events that have been occurring with these Tenants and their violent behaviour. There have been several police attendances at their unit and now Social Services is getting involved again as these Tenants have three children. The Landlord has issued the Tenants a 1

Month Notice to end tenancy for cause and two 10 Day Notices for non payment of rent and has a hearing scheduled for November 2, 2011; however since filing that application for dispute resolution the situation has escalated to the point where she feels the need to seek an immediate end to this tenancy.

The Landlord described the course of events that occurred on October 4, 2011 when the male Tenant came to her rental unit banging on the door and demanded to speak with her husband in the hallway. Her husband went into the hallway where the male Tenant proceeded to raise his voice and yell at him. The Landlord requested that they come into the rental unit so other tenants did not hear this at which point she said the male Tenant approached her, got into her face, pointing his finger at her while he was yelling and swearing at her. She stated that he was yelling at her that she cannot evict him because he has three kids and it will take her over three months to get him out. This continued at such a loud volume that a tenant from another floor heard the screaming and came to see if everything was okay. At one point she said she was so scared she was shaking and the male Tenant said "look at you you're shaking and you are supposed to be the building manager how can you be shaking ...". The Landlord described the Tenant's behaviour as being "extremely threatening and hostile" and she said she was fearful of him because she has seen how violent he can be. She said she has also seen how violent the female Tenant can be which is why she does not want to get blamed for social services getting involved.

The Landlord advised the Tenants have not paid rent for September or October 2011. In closing she referenced how this is affecting other tenants. Children are no longer allowed to play outside near the Tenant's balcony as they are fearful of someone getting hurt by debris that is being thrown over the balcony in their rage. Other tenants are threatening to move as the constant violence is disrupting their homes and upsetting their children.

Analysis

I have carefully considered all of the testimony and the documentary evidence which included, among other things, a copy of the Landlord's written statement and written statements and complaints from neighboring tenants.

On a balance of probabilities, I find the Landlord has proven the Tenants have engaged in an activity that has caused damage to the Landlord's property, has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the property, and has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the Landlord.

Next I have considered whether it would be unreasonable or unfair to the Landlord to wait for a one month Notice to End Tenancy to take effect. I have accepted that the Tenants have engaged in activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the property and has jeopardized the lawful right or interest of the Landlord and the other tenants. Based on these conclusions I find it would be unreasonable to wait for a one month Notice to End Tenancy to take effect or wait until the November 2, 2011 hearing. The relationship is deteriorating and escalating; therefore, I grant the Landlord's application to end this tenancy early.

Given the concerns raised during the hearing pertaining to the physical safety of Landlord, I recommend the Landlord seek assistance and be escorted while serving the Order of Possession.

Conclusion

I hereby grant the Landlord an Order of Possession effective **two days** after it is served upon the Tenants. This Order is legally binding and must be served upon the Tenants.

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: October 20, 2011.

Residential Tenancy Branch