



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 the landlords' application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession. The tenant did not attend this hearing, although I waited until 10:13 a.m. in order to enable the tenant to connect with this hearing scheduled for 9:30 a.m. The landlords attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

The male landlord testified that he handed the tenant a copy of the dispute resolution hearing package on November 20, 2011 shortly before 3:00 p.m. The landlords' resident building manager testified that she witnessed the male landlord hand this package to the tenant at that time and date. I am satisfied that the landlords served their dispute resolution hearing package to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Are the landlords entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

This periodic tenancy commenced on October 15, 2011. Monthly rent is set at \$700.00, payable in advance after October 2011 on the first of each month. The landlords continue to hold a \$150.00 security deposit, the only portion of the required \$350.00 security deposit that was paid towards this tenancy. The female landlord testified that the tenant has only paid \$400.00 in rent during this tenancy, putting him presently in rental arrears.

The landlords issued the application for an early end to this tenancy because they maintain that the tenant's behaviours and actions significantly interfere with or disturb the landlords' resident building manager and other tenants in this building. The landlords also maintained that the tenant has seriously jeopardized the health and safety of the landlords' resident building manager and other tenants in this building. In addition to threats of physical violence, the landlords and their witnesses claimed that the tenant is using illegal drugs in the rental premises. They cited a number of police visits to the tenant, although they could only enter into written evidence copies of

offences that occurred prior to the commencement of this tenancy. They maintained that the tenant has likely breached the terms of his Recognizance of Bail requiring him to “Keep the peace and be of good behaviour.” Although the landlords have requested copies of police incident reports that have resulted from police visits to the tenant at the rental unit, they were unable to obtain these prior to this hearing.

Analysis

Section 56 of the *Act* allows a landlord to make application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

Based on the evidence of the landlords and their witnesses, I find that since this short tenancy began there have been ongoing problems with behaviours that have significantly interfered with and disturbed the landlords’ resident building manager and other tenants in this rental building. The landlords entered into written evidence multiple letters from other tenants in the building objecting to the tenant’s behaviours, supported by oral testimony by one of the tenants and the resident building manager. The male landlord testified that two tenants have already vacated their rental units as a result of the threatening and disruptive behaviours exhibited by the tenant. He testified that other tenants in the building are also planning to end their tenancies if the landlord does not evict the tenant.

Despite warnings, the tenant has not curtailed his behaviour. Some of the incidents raised by the landlords may call for the issuance of a 1 Month Notice to End Tenancy for Cause, rather than an early end to this tenancy. For example, allegations that the tenant has peered into windows of other tenant’s rooms or unsubstantiated second hand claims that the tenant may be using illegal drugs on the premises would not likely qualify for an early end to this tenancy. However, I find that two incidents in particular involving threats of violence and unwelcome entry into a rented part of this rental building raised the tenant’s conduct to a new level that is frightening to the landlords, the landlords’ resident building manager, and other tenants.

The landlords provided oral and written evidence regarding the tenant’s alleged illegal entry into an area of the rental building leased by one of the tenants and alleged threats made to one of the tenants in the building. Unwelcome entry into a room that was rented to another tenant and use of that tenant’s electronic equipment has caused understandable safety concerns for the tenants in this building. One of the tenants also provided oral and written evidence regarding threats of violence that the tenant made to him, prompting that tenant’s call to the police. The nature of these threats at late hours

of the night have given tenants and the resident building manager justifiable concerns regarding their personal safety while the tenant remains living in this rental property.

Based on the undisputed evidence, both oral and written, entered by the landlords, their resident property manager and tenants in this building, I find that the landlords have demonstrated that it would be unreasonable and unfair to the landlords, their resident building manager and their tenants to wait for a notice to end tenancy for cause to take effect. For this reason, I am allowing the landlords' application for an early end to this tenancy and am issuing an Order of Possession.

Conclusion

I find that the landlords are entitled to an early end to this tenancy. I provide the landlords with a formal copy of an Order of Possession to take effect within 24 hours of the landlords' service of this notice to the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 28, 2011

Residential Tenancy Branch