



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 landlord's 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 9:40 a.m. in order to enable him to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that he posted a copy of his application for dispute resolution on the tenant's door on December 10, 2011. He said that he was unsure if the tenant received this notice, as he believed that the tenant may still be incarcerated. The landlord said that another individual living at the rental unit may have picked up the application for dispute resolution. In accordance with sections 89(2) and 90 of the *Act*, I am satisfied that the landlord served a copy of his application for dispute resolution in accordance with the *Act* and that the application was deemed served on December 13, 2011, the third day after its posting.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

The landlord testified that this periodic tenancy commenced on or about February 1, 2011. Monthly rent is set at \$400.00, payable in advance on the first of each month. The landlord continues to hold a \$200.00 security deposit from the tenant.

The landlord provided oral testimony and a DVD showing damage to the rental unit. The landlord provided evidence that the tenant has caused serious damage to one outside door, four interior doors, a window and the toilet during his tenancy. He testified that the tenant has threatened the tenants in the other suite in this rental property on October 15, 2011 and December 9, 2011. Both of these incidents led to visits from the police. The most recent of these incidents led to the tenant's arrest by a police SWAT team. The other tenants who were threatened in the first incident found the situation so disturbing that they vacated their rental unit immediately. The landlord said that the tenants in the December incident were threatened with physical violence and the police

recommended that the landlord should take measures to ensure that the tenant does not return.

Analysis

Section 56 of the Act allows a landlord to make an 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 undisputed evidence of the landlord, I find that there have been ongoing problems at the rental unit leading to major damage to doors, windows and the toilet. While these incidents may call for the issuance of a 1 month notice to end tenancy for cause, I find that the incidents involving threats and potential violence towards the other tenants raise this conduct to a new level that is frightening to the landlord and his other tenants. I therefore find that it would be unreasonable and unfair to the landlord and his other tenants to wait for a notice to end tenancy for cause to take effect.

Conclusion

I allow the landlord's application to end this tenancy early and grant the landlord an Order of Possession to take effect within 24 hours of service of the Order to the tenant(s). Should the tenant(s) 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: December 19, 2011

Residential Tenancy Branch