

## **Decision**

**Dispute Codes:** ET

### **Introduction**

This hearing was convened in response to the landlord's application for an early end of tenancy and an order of possession. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement

### **Background and Evidence**

There is no written tenancy agreement for this tenancy which the parties agree began approximately 17 months ago. Monthly rent of \$475.00 is payable in advance on the first day of each month, and a security deposit of \$237.50 was collected.

The landlord's application arises out of allegations by the landlord and other tenants concerning the subject tenant's conduct and behavior. Allegations include, but are not necessarily limited to, playing of loud music during very early hours of the morning, verbal threats and intimidation, physical assault, and property damage.

During the hearing the tenant testified that he did not dispute the landlord's application for an early end of tenancy and an order of possession. The tenant stated that he presently resides elsewhere on a temporary basis. The parties agreed that rent has been paid to the end of December 2011. Further, the parties agreed to be in contact later today in order to make arrangements for the tenant to remove all of his possessions from the unit. The parties also agreed to attempt to resolve between them the disposition of the security deposit.

### **Analysis**

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca) The attention of the parties is drawn to the following particular sections of the Act:

**Section 56:** Application for order ending tenancy early

**Section 38:** Return of security deposit and pet damage deposit

Based on the undisputed documentary evidence and testimony of the parties, I find that the landlord has established entitlement to an order of possession.

**Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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*.

DATE: December 8, 2011

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Residential Tenancy Branch