



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an application by the landlords for an order ending this tenancy early. The landlords participated in the conference call hearing but the tenant did not. The landlords testified that they served the application for dispute resolution and notice of hearing by posting the documents on the door of the rental unit. I found that the tenant had been properly served with notice of the hearing and the hearing proceeded in her absence.

Issue to be Decided

Are the landlords entitled to an order ending this tenancy early?

Background and Evidence

The landlords' undisputed evidence is as follows. The tenancy began on August 28, 2011. The rental unit is located on the lower floor of a residence in which the upper floor is occupied by other tenants (the "Upper Tenants"). The tenancy agreement is with the tenant only and at the outset of the tenancy, the tenant had advised the landlord that her husband would not be residing in the unit. The landlords understand from the Upper Tenants that the husband has resided in the rental unit throughout the tenancy.

On a number of occasions, the Upper Tenants have complained to the landlords about being disturbed by the tenant and her husband loudly arguing into the early hours of the morning. The landlords spoke with the tenant about the complaints in November and the tenant assured them that her husband would not be staying in the unit. The husband did not move out, the arguments continued and the Upper Tenants continued to be disturbed.

On January 3 the RCMP telephoned the landlords to report that they had been called to the rental unit. The Upper Tenants reported to the landlords that the husband had come to their door intoxicated and belligerent and had attempted to force his way into

their home. They were able to close the door, after which the husband kicked the door repeatedly until he had broken one of the panels on the door. The landlords provided photographs of the broken door as well as a statement from the Upper Tenants.

The landlords testified that because of the unpredictable behaviour of the husband, the Upper Tenants have been repeatedly disturbed and are now fearful.

Analysis

I accept the undisputed evidence of the landlords and I find that the husband, as a guest of the tenant, has caused an extreme disturbance to the Upper Tenants. I find that he has significantly interfered with and unreasonably disturbed the Upper Tenants and I further find that it would be unfair to the landlords and to the Upper Tenants to wait for a notice to end tenancy for cause to take effect.

For these reasons I grant the landlords an order of possession effective 2 days after service. The tenant must be served with the order and should she fail to comply, the order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlords are granted an order of possession.

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: January 12, 2012

Residential Tenancy Branch