

DECISION

Dispute Codes ET, FF

Introduction

This is an application filed by the Landlord to end a tenancy early and obtain an order of possession and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was personally served by her on February 20, 2012 at the rental unit. The Landlord states that she had the Tenant initial and date the Landlord's copy of the application for dispute resolution as acknowledgement in receiving the notice of a hearing and evidence package. As such, I am satisfied that the Tenant was properly served under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession ending a tenancy early?

Background and Evidence

The Landlord has provided a letter with 4 grounds on which they rely. The Landlord suspects illegal activity on the part of the Tenant. The Landlord states that there is a high volume of foot traffic to and from the rental unit. The Landlord states that police attend the rental unit on a regular basis. The Landlord also states that there have been 4 break-in attempts at the rental unit, where persons were yelling the Tenant's name as this occurred. The Landlord also states that graffiti is written on various areas of the building about the Tenant. The Landlord states that the Tenant built an enclosure around her balcony (photographic evidence submitted) to keep people out. The Landlord states that the Tenant is also stealing hydro by using electrical extension cords in the common areas near her rental unit and from neighbours through her balcony on the exterior. The Landlord states that the Tenant and persons that are permitted on the property by her are very disruptive and that the Landlord receives many noise complaints from the other Tenants, but that these neighbours are unwilling to put anything in writing.

Analysis

I accept the Landlord's undisputed testimony and find on a balance of probabilities based upon the Landlords evidence and direct testimony that the Landlord is entitled to an order of possession. I find that the Tenant has put the Landlord's property at risk through the incidents of the multiple break-ins where the persons were yelling the Tenant's name during the break-in and find that it would be unreasonable to the Landlord to wait for a notice to end the tenancy under section 47 of the Act to take effect.

The Landlord is granted an order of possession. The Landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: February 29, 2012.

Residential Tenancy Branch