



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This is the landlord's Application for Dispute Resolution, under section 56 of the Residential Tenancy Act (the "Act"), seeking an order to end the tenancy earlier than the tenancy would end if a Notice to End Tenancy were given under section 47 and to obtain an order of possession for the rental unit.

Although served with the Application for Dispute Resolution and Notice of Hearing on February 18, 2012, in person, which was witnessed. The tenant did not appear. I find that the tenant has been duly served in accordance with Act.

The landlord appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issue(s) to be Decided

Should the tenancy end early and an Order of Possession be granted to the landlord?

### Background and Evidence

The testimony of the landlord is that the tenant is putting the health, safety and lawful rights of the landlord at risk and has significantly unreasonably disturbed the landlord and other occupants in residence.

The landlord testified and has filed witness statements that the tenant continuously plays her music loud all night long with the base is kept on high. The have police attended on many occasion, December 27, 2011, January 1, January 22, and January 27, 2012, are some of the dates they have attend. The landlord states the music is so loud that is shakes all the pictures on the walls in her residence and it is unreasonably disturbing the landlord and other occupants in the landlord residence. Filed in evidence are police file numbers.

The witness testified that when she asked the tenant to turn down the music, she will swear at her and turns the volume up even louder.

The landlord testified that the police have been there on many occasions for noise complaints by other neighbouring residence.

The landlord testified that she recently asked the tenant to turn down the music and the tenants male guess said to her that “there is nothing you can do to us, be we can do whatever we want to you”.

The witness for the landlord testified that she has heard the tenant and her guess threaten the landlord and are concerned for her safety.

The landlord states that she feels threatened and unsafe by the tenant and her guess that are staying in the rental unit.

The landlord testified that on January 16, 2012, she called the police as she could hear, fighting in the tenant’s rental unit and someone was “yelling put away the knife”. The police attend and two women were removed from the tenant rental unit. Filed in evidence is a copy of the police file number.

The witness for the landlord testified that just within the last day or two, when she came home from work the tenant was in the driveway crying and the police were on site, as there was another fight in the rental unit, between her boyfriend and another male

The landlord testified that the police are at the residence often for other complains, but the details of those complaints have not been disclosed to them.

The landlord testified that on February 17, 2012, when she went to serve the tenant with the notice of dispute resolution, the tenant assaulted her by pushing her. The landlord stated the tenant would not accept the documents and she subsequently had the tenant served the next day, which was witnessed.

### Analysis

Based on the above, the uncontradicted testimony and evidence, and on a balance of probabilities, I find the tenant has breached the Act and tenancy agreement by unreasonably disturbing the landlords and other occupants.

I am also satisfied that it would be unreasonable and unfair to the landlord to wait for another Notice to End Tenancy to take effect.

Therefore I grant the landlord an Order of Possession effective **two (2) days** after it is served upon the Tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord is 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: February 24, 2012.

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Residential Tenancy Branch