

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an order ending the tenancy early and an order of possession.

The landlord stated that the hearing documents had been served on a responsible adult at the facility where the tenant is currently residing. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

The landlord testified that at the start of the tenancy there were no problems with the tenant behaviour. The landlord stated that over the past year however the tenant has become increasingly violent towards the landlord and neighbours.

The landlord stated that the tenant had been smoking in front of the neighbour's door and when they asked the tenant to smoke somewhere else the tenant smashed the neighbour's car with a hockey stick.

The landlord stated that when the tenant did not pay the March 2012 rent, the landlord on March 19, 2012 served the tenant with a 10 day notice to end tenancy for unpaid rent. The landlord stated that the next morning the tenant took the landlord's trash bin as well as the trash bins of multiple neighbours and threw the trash all over the street. The tenant then took an old television that the landlord had out with the trash and smashed it in the street.

The landlord testified that on March 25, 2012 they heard loud banging, smashing and glass breaking and this was coming from the tenant's rental unit. The landlord stated

that there was so much noise that neighbours called as they were concerned for the landlord's safety. The landlord stated that they called the police to attend and the police came and spoke to the tenant. The landlord stated that things were quite for around 30 minutes and then the tenant again started to smash and destroy items in the rental unit. The landlord again called the police to attend and the tenant was arrested and removed from the rental unit. The landlord stated that the police advised them that all the windows, bathroom mirrors and shower door had been smashed by the tenant.

The landlord has submitted a petition that has been signed by multiple neighbours who all now fear for their safety due to the tenant's escalating violent and erratic behaviour. The neighbours in this petition state that the tenant yells and swears at them and has threatened to shoot them.

The landlord stated that they are very concerned about the security of the rental property as they have not yet been able to fix the smashed windows and not only is the property at risk of being vandalized, the tenant's belongings are at risk of being stolen.

Analysis

Section 56 of the Act states that a landlord may request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given for cause under Section 47. Upon receipt of such an application, the director may make an order specifying an earlier date on which a tenancy ends and the effective date of an order of possession for the rental unit only if the director is satisfied that certain conditions exist. These conditions are listed in Section 56(2) of the Act.

In the present case the landlord has applied for an order ending the tenancy early on the basis that the tenant has significantly interfered with and unreasonably disturbed other occupants of the residential property and that it would be unfair to the other occupants to wait for a one month notice to take effect.

I am satisfied based on the evidence before me that the landlord has proved its case.

Conclusion

Based on all of the above, I grant the landlord an order ending the tenancy early. I also grant the landlord an order of possession effective two days from the date of service. This 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*.

Dated: April 3, 2012

Residential Tenancy Branch