



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET

Introduction

This application was brought by landlord on May 29, 2012 seeking an Order of Possession to end the tenancy early under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires a Notice to End Tenancy effective on a minimum of one month following service.

Issue(s) to be Decided

Are the circumstances which have caused the landlord to seek an end to the tenancy of sufficient urgency to warrant the issuance of an Order of Possession under the more stringent requirements of section 56 of the *Act*?

Background and Evidence

This tenancy is for a room in a single room occupancy building, currently managed by a non-profit society.

During the hearing, the landlord submitted into evidence a copy of a Notice to End Tenancy for cause served on May 20, 2012, a number of photographs, copies of three Room Check Incident reports and two warning letters to the tenant.

Each of the Room Check Incident reports, dated April 12, April 18 and May 18, 2012, cited:

- Excessive clutter, posing fire hazard;
- Debris or garbage, present fire or health hazard;
- Food items or other items attracting pests;
- Used sharps, presenting health hazard;
- Human waste presenting health hazard.

One letter dated May 18, 2012 reiterated the problems, noting also that a pest control service person was unable to treat cockroaches crawling under the door as the room was not prepared for treatment and refusal of the fire protection company representative to enter the room due to the health hazard. The letter asked for the tenant's cooperation.

A second warning letter dated May 20, 2012 again efforts by the landlord to assist the tenant and noted the tenant's rude and hostile responses.

Photographic evidence indicated a crisis level of hoarding including at least a couple of dozen syringes, several cups of urine, and debris and foodstuffs throughout the room.

The tenant was represented by an area business operator and friend who offered to assist the tenant in meeting the landlord's requirements if the tenancy were allowed to continue. The landlord expressed a willingness to consider a proposal, but requested the Order of Possession.

Analysis

Section 56(2)(a)(iv)(A) of the *Act* authorizes the director's designate to issue an Order of Possession in circumstances in which a tenant, "has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property."

On the evidence before me, I find no question that the landlord is entitled to an Order of Possession under section 56 of the *Act* and issue such order to take effect two days from service of it on the tenant. While I acknowledge and respect the tenant's friend for his offer to assist in remediating the tenancy, it is not a condition of the Order which may be enforced immediately or postponed at the discretion of the landlord.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective two days from service of it on the tenant.

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: June 06, 2012.

Residential Tenancy Branch