



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET

Introduction:

This hearing was convened upon the application of the landlord seeking an early end of this tenancy.

The tenant did not appear at the hearing. The landlord gave evidence that she served the tenant with the Application for Dispute Resolution by posting the notice to the rental unit door on May 28, 2012. I am therefore satisfied that the tenant has been duly deemed served as required by the Act.

The landlord gave evidence under oath.

Issue

Is the landlord entitled to an order ending this tenancy early that is without serving a one month Notice to End Tenancy for cause?

Background and Evidence

The rental unit is an apartment within a strata condominium building. The landlord testified that originally a man and woman moved in as tenants but their relationship broke up and only the woman remained in the rental unit but the landlord believes others live there as well although she does not know who these individuals are.

The landlord has received complaints from the strata corporation received from other tenants that several individuals were observed sitting and lying on the ground outside the rental unit at 11:30 p.m. When security asked the individuals to leave they refused stating they had moved in and had been locked out by another tenant. The landlord testified that after receiving the complaint she attended the rental unit and the tenant allowed her in to take pictures. The landlord says she observed that the place is "trashed". The landlord testified that it is a furnished rental unit and the sofa has been burned, there are cigarette butts all over the carpet and there is the mark of a hot clothes iron on the carpet, the landlord observed a mattress leaning up against the heat

source. The landlord testified that she and other tenants in the building fear that there is a risk of fire. The landlord supplied photographs to demonstrate the condition of the rental unit.

The landlord says the conduct of the tenant and/or her guests have caused the neighbours to fear for their safety in the building.

Analysis

Section 56 of the *Residential Tenancy Act* says that a landlord may make application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

Based on the undisputed evidence of the landlord I find that the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property, that they have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. I find that the conduct has frightened the tenants such that they fear for their safety and it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

Conclusion

I will allow the landlord's application to end this tenancy early and grant the landlord an immediate Order of Possession. This Order is enforceable as any Order of the Supreme Court of British Columbia.

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 05, 2012.

Residential Tenancy Branch