

DECISION

Dispute Codes ET, O, FF

Introduction

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

Both parties have attended the hearing by conference call and have given testimony. The Tenant has not submitted any documentary evidence. The Tenant has acknowledged receiving the Landlord's notice of hearing and evidence package. I am satisfied that both parties have been properly served with the notice of hearing and the evidence packages submitted.

Issue(s) to be Decided

Is the Landlord entitled to an early end of tenancy and to obtain an order of possession?

Background and Evidence

This Tenancy began on October 3, 2011 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$600.00 payable on the 1st day of each month and a security deposit of \$300.00 was paid.

The Landlord states that the Tenants were served with the 1 month notice to end tenancy for cause on July 5, 2012. The notice shows an effective date of August 31, 2012. The stated reasons for cause are:

Tenant or a person permitted on the property by the Tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord.
- put the landlord's property at significant risk.

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The Tenant has confirmed that she received the notice “maybe a day after the incident.” Both parties agreed that the incident took place on July 5, 2012. The Tenant states that she has not filed for dispute over the notice and is willing to vacate the unit on the date of the effective date of August 31, 2012. The Landlord claims that an early end to the tenancy is required as the Tenant has threatened the safety of another Tenant. The Landlord has submitted into evidence a letter from the other Tenant citing the behaviour of the Tenant. The Tenant has confirmed the incident and that it was fuelled by alcohol. The Tenant has also admitted in her direct testimony to threatening the other Tenant and that she is willing to take responsibility for her actions.

Analysis

Both parties have confirmed in their direct testimony that the Tenant was served with the 1 month notice to end tenancy for cause dated July 5, 2012. As such, I am satisfied that the Tenant was properly served.

Section 56 (1) of the Residential Tenancy Act states,

Application for order ending tenancy early

56 (1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;

(iii) put the landlord's property at significant risk;

(iv) engaged in illegal activity that

(A) has caused or is likely to cause damage to the landlord's property,

(B) 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, or

(C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

(v) caused extraordinary damage to the residential property, and

(b) 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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The Tenant admits to the threatening behaviour in her direct testimony and stated that she is willing to take responsibility for her actions. I find under section 56 (2) (a) (i) and (ii) of the Act that the Landlord has established a claim to an early end of tenancy. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial and enforced as an order of that Court.

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: July 20, 2012.

Residential Tenancy Branch