



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and receive an order of possession, and to recover the filing fee.

The documentary evidence filed by the landlord, 2 photographs, support that the tenant was served with the Notice of Hearing and Application for Dispute Resolution by posting to the tenant's door on July 4, 2012. The tenant did not attend the hearing. I find the tenant has been served in accordance with the *Act*.

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

Issues to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?
- Should the landlord recover the filing fee?

Background and Evidence

The affirmed evidence of the agent for the landlord was that the tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property, and seriously jeopardized the health and safety and the lawful rights of other occupants.

The agent for the landlord testified that within the past month, the tenant has assaulted the daughter of another occupant of the residential property. The agent also stated that the tenant attempted to force her way into another rental unit and threatened another occupant. The agent for the landlord confirmed that both incidents were reported to the police, assigned separate police file numbers, and they were submitted as evidence.

The agent provided two letters written by other occupants of the residential property as evidence. In the first letter dated July 1, 2012, a neighbour complained that she could not sleep due to the noise and music coming from the tenant's unit between 1:30 a.m. and 4:30 a.m., and stated that although this was her first complaint, she has previously heard loud music and noise from the tenant. In the second letter, dated July 2, 2012, a

different neighbour complained of the continuous noise from the tenant's unit and destructive behaviour such as the constant flow of people coming and going from the rental unit and police attendances, which is causing the neighbour to feel stressed and unsafe in her own apartment. The letters of complaint seek action from the landlord to remedy their concerns.

The agent for the landlord also requested recovery of the filing fee in the amount of \$50.00.

Analysis

Based on the foregoing, the undisputed evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the tenant, or a person permitted on the residential property by the tenant, has significantly interfered with and unreasonably disturbed other occupants of the residential property.

I further find that the tenant has seriously jeopardized the health and safety, and the lawful rights of the other occupants of the property.

I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of possession for the rental unit effective not later than **two (2) days** after service of the Order on the tenant. This order may be enforced through the Supreme Court of British Columbia.

I find the landlord has succeeded with their application. Therefore, I award recovery of the filing fee in the amount of **\$50.00**, and order that this amount may be deducted from the tenant's security deposit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: July 12, 2012

Residential Tenancy Branch