



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ET

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

The Landlord and her witness gave affirmed testimony at the Hearing.

The Landlord testified that on June 25, 2012, she attended at the rental unit in the presence of a police officer and handed the Notice of Hearing documents to the Tenant.

Based on the Landlord's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the documents, the Tenant did not sign into the teleconference and the Hearing continued in his absence.

Issue to be Determined:

Has the Landlord shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Act* to take effect?

Background and Evidence:

The parties entered into a tenancy agreement on April 25, 2007. A copy of the tenancy agreement was provided in evidence.

The Landlord testified that the Tenant is still living in the rental unit. She stated that there was no trouble with the Tenant for about 5 years, but that recently over the past 2 or 3 months, the police have been called to the rental unit regularly and that recently they have been there almost every day. The Landlord provided names of police and two police file numbers. The Landlord testified that the Tenant's neighbours have been calling her at midnight, 1:00 and 2:00 in the morning to complain about loud music, drinking and drug activity at the rental unit.

The Landlord testified that the Tenant has broken 2 windows in the rental unit and has broken the outside front door and jamb so that it no longer closes securely. The Landlord testified that the rental unit is close to a school and she worries about the children in the area. She stated that on June 24, 2012, the police attended at the rental unit and a girl was arrested and taken away. She stated that a police officer told her that the inside of the house was damaged, too.

The Landlord testified that another police officer told her that a girl was held against her will and assaulted in the rental unit. The Landlord did not know who assaulted the girl or if an arrest was made.

The Landlord testified that she saw the Tenant under the influence of drugs when she and her grown son went to see the Tenant to try to talk to him.

The Landlord is concerned about the safety of her property and the damage that was caused inside and outside. She stated that the windows alone were going to cost her \$1,000.00 to replace because they are double glazed.

The Landlord's witness is one of the Tenant's neighbours. She testified that she lives directly behind the rental unit and that she shares a driveway with the Tenant. She stated that there was never a problem until a couple of months ago and then the Tenant started having wild parties with teenagers in the house, drinking and abusing drugs. The witness testified that the Tenant has verbally assaulted her to the point that she is frightened when her husband works graveyard shifts. The witness testified that she has seen the Tenant screaming at an elderly lady and that everyone in the neighbourhood is frightened. She stated that she attempted to get signatures for a letter complaining about the Tenant but that no one would sign it because they are afraid of the Tenant.

The witness testified that someone she knows has been to the house and saw people smoking crack cocaine. The witness testified that she will not allow her daughter to walk near the house.

Analysis:

In making an application for an early end to this tenancy the Landlord has the burden of providing sufficient evidence, on the balance of probabilities, that the Tenant has:

- unreasonably disturbed other occupants or the Landlord;
- seriously jeopardized the health and safety or lawful right or interest of the Landlord or other occupant;
- placed the Landlord's property at significant risk;

- engaged in illegal activity that has, or is likely to: cause damage to the residential property; or adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the Landlord; or jeopardize a lawful right or interest of another occupant or the Landlord; or caused extraordinary damage to the residential property; and
- by proving that it would be unreasonable or unfair to the Landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the *Act* to take effect.

I find that there is insufficient evidence that the Tenant has significantly interfered with or unreasonably disturbed **another occupant** of the residential property or the Landlord. The neighbours are not occupants of the rental unit and there are other remedies for providing the neighbours with peace and quiet. I further find that there is insufficient evidence that the Tenant is engaging in illegal activity.

However, based on the undisputed affirmed testimony and evidence of the Landlord and the Landlord's witness, I find that there is cause to end the tenancy because the Tenant has placed the property at significant risk by breaking the windows and the front door leaving the rental unit unsecure. I further find that it would be unreasonable or unfair to the Landlord to wait for a one month Notice to End Tenancy for cause to take effect.

I hereby provide the Landlord with an Order of Possession effective **immediately**.

Conclusion:

I hereby provide the Landlord an Order of Possession **effective immediately**. This Order must be served on the Tenant and 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: July 06, 2012.

Residential Tenancy Branch