



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### **Introduction**

This application was brought by landlord on July 31, 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 date that is a minimum of one month following service.

Despite having been served with the Notice of Hearing in person on July 31, 2012, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

### **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**

The landlord's agent gave evidence that the corporate landlord had recently purchased the rental building, taking possession about two months ago. He stated that the previous owner had not passed rental records. However, he stated that the subject tenancy began approximately six months ago. Rent is \$425 per month.

During the hearing, the landlord's agent gave evidence that the application for an Early End of Tenancy had been made after the tenant had failed to respond to a number of warnings.

He submitted and elaborated on the following documents in support of the request for the Order of Possession:

**July 23, 2012** – Warning letter to the tenant after he was reported to have broken into another tenant's room, stole his bicycle and was aggressive toward the other tenant when he came to retrieve it. Police were called.

**July 23, 2012** – Warning letter after another tenant reported to the night manager that friends of the subject tenant had broken into the building. The subject tenant was aggressive toward the night manager when asked about the incident. Police attended and removed the friends.

**July 25, 2012** – Warning letter regarding an incident substantially identical to the second letter of July 23, 2012.

**July 27, 2012** – Warning letter that again, tenant's friends have force entry to the building and when asked to leave by the night manager, they refused stating they were guests of the subject tenant. The tenant was again aggressive with the manager and again police attendance was required to remove the guests.

**July 28, 2012** – Warning letter after another tenant reported that a guest of the subject tenant had pulled the taps off the washroom sink making it unusable for other tenants. Again police attended and removed the guests.

## **Analysis**

Section 56(2)(a)(ii) 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."

Section 56(2)(a)(v) authorizes the Order in circumstances in which the tenant, or persons permitted on the rental property by the tenant have caused extraordinary damage to the rental property.

On the evidence before me, I find no question that the landlord is entitled to an Order of Possession under both cited sub sections of section 56 of the *Act* and issue such order to take effect two days from service of it on the tenant.

## **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: August 15, 2012.

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Residential Tenancy Branch