



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### 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.

The landlord appeared at the teleconference hearing and gave affirmed testimony. During the hearing the landlord was given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

The landlord testified that the tenant was served the Notice of a Dispute Resolution Hearing by posting to the tenant's door on August 18, 2012 at approximately 2:00 p.m., which was witnessed by another tenant. Section 90 of the *Act*, states that documents served by posting to the door are deemed to be received on the third day after the documents are posted. I find that the tenant was deemed served with the Notice of a Dispute Resolution Hearing on August 21, 2012, in accordance with the *Act*.

### Issue to be Decided

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

### Background and Evidence

The affirmed evidence of the landlord was that the tenant has engaged in an illegal activity that has caused damaged to the landlord's property, has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord, and has adversely affected the quiet enjoyment and security of another occupant.

The landlord testified that since a 1 Month Notice to End Tenancy for Cause was served on the tenant on July 8, 2012, the tenant has alleged to have acted in the following manner prompting calls to the local police department:

| Date            | Description of Concern   |
|-----------------|--|
| August 9, 2012  | Tenant advised another tenant that he consumed pills prompting a call to 911, resulting in an ambulance attending and transporting the tenant to hospital where he was kept for several days.        |
| August 13, 2012 | Tenant used a key without permission to enter the locked room of another tenant and allegedly stole a computer, camera and the keys to the other tenant's car.                                       |
| August 16, 2012 | Tenant broke into the main door of the rental suite and was the only tenant home at the time. The tenant denied breaking into the door, however, was the only person in the rental unit at the time. |

### Analysis

Based on the foregoing, the undisputed 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 engaged in illegal activity that has caused damage to the landlord's property, has adversely affected the quiet enjoyment and security of another occupant of the residential property and has jeopardized the lawful right or interest of another occupant.

I am 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.

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: August 23, 2012

---

Residential Tenancy Branch