



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on June 01, 2012. The rental unit is located in an apartment building which houses 17 units. Several families reside in this building complex.

The landlord testified that the tenant has a regular flow of intoxicated visitors and despite verbal warnings, the tenant continued to entertain visitors that caused the other residents to be concerned for their safety. On August 17, one of the tenant's visitors dropped a lit cigarette into the tenant's couch and set it on fire. After a few attempts to put it out, the tenant called the fire department and the building had to be evacuated.

The landlord stated that providing a safe environment for the residents is his priority and he has already given the tenant some chances to change his behavior, without success. The tenant agreed that he has substance abuse issues and plans to check into a rehab centre, as soon as he is accepted. The tenant did not dispute the landlord's testimony.

The landlord has requested an order of possession effective two days after service on the tenant.

Analysis

Upon careful consideration of the evidence before me I find the landlord has proven that the tenant has engaged in an activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of the other occupants of the property.

Next I have considered whether it would be unreasonable or unfair to the landlord to wait additional time to end this tenancy. I have accepted that the tenant and/or his guests have engaged in activity that has jeopardized the lawful right or interest of the landlord and the other tenants. Based on these conclusions, I find at this point it would be unreasonable to wait for a notice to end tenancy to take effect. Therefore, I grant the landlord's application to end this tenancy early.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further allow the landlord to retain \$50.00 from the security deposit which is the cost of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. I also allow the landlord to retain \$50.00 from the 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 *Residential Tenancy Act*.

Dated: August 31, 2012.

Residential Tenancy Branch