



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution, seeking an order to end the tenancy early, and receive an order of possession.

One of the landlords, an agent for the landlords, a witness for the landlords, and the tenant attended the hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The tenant confirmed receiving the evidence package from the landlords. The tenant disputed receiving any photos. A witness for the landlords testified that the package also contained the same 5 photos that were served on the Residential Tenancy Branch.

Based on the testimony of the landlord, the agent for the landlords, and the witness for the landlords, all of whom who confirmed that the photos were served on the tenant, and on the balance of probabilities, I accept that the tenant received the photos and therefore considered the photos in this Decision.

Issue to be Decided

- Are the landlords entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

The tenant moved into the rental unit on July 23, 2012. Monthly rent in the amount of \$650.00 is due on the first date of each month. A security deposit of \$325.00 was paid by the tenant at the start of the tenancy.

The landlords have applied for an order to end the tenancy early based on the tenant allegedly assaulting a family member. The agent for the landlords stated that on September 5, 2012, her 3 year old daughter dropped a cup and the tenant downstairs

began to yell and swear due to the alleged noise from the cup dropping. The agent for the landlords testified that her sister eventually went downstairs to talk to the tenant who was yelling and swearing. According to the agent for the landlords, her sister returned from downstairs crying and shaking and stated that the tenant grabbed her and shoved her, resulting in scratches on her neck which are supported by the photos showing neck scratches. The agent for the landlords stated that her sister called the police to report what happened, but was shaking so hard, that the agent ended up completing the call to the police. The police attended and arrested the tenant.

The tenant did not wish to answer questions due to criminal charges before the Court, however, did confirm that the police did attend and that he was charged with assault regarding the matter described above and that the charges remain outstanding.

Analysis

Based on the documentary evidence and the testimony provided by the parties during the hearing, and on a balance of probabilities, **I find** and I am satisfied that the tenant has significantly interfered with and unreasonably disturbed the landlords or other occupants of the residential property. In addition, **I find** that there is evidence to support that the tenant engaged in illegal activity that has adversely the quiet enjoyment, security, safety and physical well-being of another occupant of the residential property.

I am also satisfied that it would be unreasonable and unfair to the landlords 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 landlords 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: September 20, 2012

Residential Tenancy Branch