



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to Section 56 of the *Residential Tenancy Act* (the "Act") for an Order ending the tenancy early and an Order of Possession.

I accept the Landlord's evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence by posting a copy on the Tenant's door in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an early end of tenancy and an Order of Possession?

### Background and Evidence

The tenancy began on August 1, 2012. Rent of \$775.00 is payable monthly and at the outset of the tenancy the Landlord collected \$387.50 as a security deposit.

On numerous occasions since the onset of the tenancy the Tenants have been reported by several other tenants to be fighting, having loud parties and otherwise causing noise in their unit. A few of those tenants have also been alarmed by the male Tenant's actions in attempting to break the door of his unit to gain entry. Due to the Tenants behaviour, one tenant has since ended its tenancy, another has served notice to immediately end the tenancy and at least two others have indicated that they will also end their tenancy should the Tenants remain in the building. On October 16, 2012, the

male Tenant, who was inebriated at the time and upset with the Landlord, pulled a water pipe off the wall under the sink causing the unit to flood damaging the carpet and underlay. The police have been called to the unit on that occasion and several previous occasions.

On October 18, 2012 the Landlord served the Tenant with a one month notice to end tenancy for cause (the "Notice") with an effective date of November 30, 2012. Over the past ten days the male Tenant has become more belligerent and has directed foul language towards the building manager causing the building manager to be extremely fearful for his personal safety. The Landlord is also concerned that the male Tenant's destructive behavior will accelerate and, given the previous damage done to the unit while the Tenant was upset with the Landlord, that the Tenants will cause more damage to the unit if the Landlord has to wait for the one month notice to take effect. The Tenants have failed to pay the rent for November 2012 and the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent.

### Analysis

Section 56 of the Act provides as follows:

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
  - (A) has caused or is likely to cause damage to the landlord's property,
  - (B) 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, or

(C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

(v) caused extraordinary damage to the residential property, and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

Upon consideration of the undisputed evidence before me, I am satisfied that the Tenants activities and behavior have significantly interfered with or unreasonably disturbed the other tenants and the Landlord. I also find that given the undisputed evidence of the destructive actions of the male Tenant to the water pipe, the increasingly intimidating and belligerent behavior of the male Tenant towards the building manager and the notice from other tenants of imminent departure, that it would be *unreasonable* to require the Landlord and other tenants to wait for a one month notice ending the tenancy to take effect. Accordingly, I find that the Landlord is entitled to an immediate end to the tenancy and to an Order of Possession.

As the Landlord has been successful with the application, I find that the Landlord is entitled to recovery of the \$50.00 filing fee and I order the Landlord to retain this amount from the security deposit.

### Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I Order the Landlord to retain \$50.00 from the Tenant's 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: November 13, 2012.

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Residential Tenancy Branch