



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

This hearing dealt with an Application for Dispute Resolution by the landlord for an order to end tenancy early and obtain an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing by In person on October 31, 2012, which was witnessed, the tenant did not appear.

The landlord's agent appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Issue(s) to be Decided

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

Background and Evidence

The landlord testified he is seeking to end tenancy early and obtain an order of possession as the tenant has unreasonably disturbed other occupants in the building.

The witness testified that he is a police officer with the local police department, and stated the police have attended to this rental unit twenty-five in the year 2012. The witness stated the most recent complaints they received were on September 26, October 23, 24, 25 and 30, 2012.

The witness testified that each time the police have attended there was yelling, screaming, and loud music. The witness stated on October 23, 2012, when they attended the unit, the guests of the tenant started to physical fight with the police officers and once they were subdued, they found that tenant in the rental unit, and he was unresponsive, from what appeared to be drugs and an ambulance was called. However, before the medical services arrive the tenant became responsive.

The witness testified that it would be unfair and unreasonable to have the other people continue to live with such significant disturbances.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, the police have attended twenty-five times this year to the tenant's rental unit. Most recently on September 26, 2012, October 23, 24, 25, 26, and 30, 2012 and each time there was loud music, screaming, and yelling. On October 23, 2012, at 3 am when the police attended the unit, the tenant guest physically started a fight with the police officers.

I find the tenant has significantly breached the tenancy agreement and the *Act* by unreasonably disturbing other occupants in the building. Based on this conclusion, I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. I find the tenant has unreasonably disturbed other occupants and those disturbances have resulted in the police attending the rental unit, five times in less than a month. I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the landlord's application to end this tenancy early.

Therefore, I grant the landlord an order of possession effective **two (2) days** after it is served upon the tenant. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

Conclusion

The landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted.

The landlord is granted an order of possession and a monetary order in the above amount

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 09, 2012.

Residential Tenancy Branch