



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This is the Landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and be granted an order of possession.

Only the Landlord appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified he served the Tenant in two ways. He sent the Tenant the Notice of Hearing, Application and hearing package by registered mail on December 5, 2012. Under the Act parties served in this way are deemed served five days after mailing. The Landlord also attended the correctional facility where the Tenant was being held by the police and served the Tenant personally with the Notice, Application and hearing package on December 17, 2012. The Landlord testified he was informed that the Tenant was released from custody on December 18, 2012. Although the Tenant did not appear at the hearing, I find that the Tenant has been duly served with the hearing documents.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues(s) to be Decided

Should the tenancy be ended early and an Order of Possession be granted?

Background and Evidence

The affirmed evidence of the Landlord is that the Tenant and his guests to the rental unit are putting the health and safety of the other residents of the property at risk. The Landlord also submits that the rental unit is suffering damages due to the Tenant's

actions, or due to the actions of people the Tenant has allowed into the rental unit and building.

The Landlord testified about an incident which occurred on or about November 26, 2012. The Landlord testified that the Tenant and his guests had been at the rental unit for several days drinking alcohol. The Tenant and his guests apparently drink heavily then disturb other occupants with loud noise, in the hallway and coming from the rental unit.

On November 26, 2012, other occupants reported a person who was bleeding badly from about their head, slumped over at the front of the residential property where the rental unit is located. One of the occupants at the building called the police. The police attended and took the Tenant into custody where he was held, apparently until December 18, 2012.

The Landlord testified he spoke with crown counsel about the incident and was informed the Tenant had been charged with assault with a deadly weapon and uttering death threats.

The Landlord testified and provided photographic evidence alleging that the rental unit was damaged by the Tenant. The photographs indicate sections of the mattress have large blood stains on them. The rental unit is furnished and the mattress was the property of the Landlord. The Landlord also testified that an electrical outlet was ripped out of the wall.

The Landlord testified that one of his long term renters has left the building due to the actions of the Tenant and his guests. The Landlord has included a letter in evidence, ostensibly signed by several other occupants in the building, which complain about the lack of quiet enjoyment and disturbances caused by the Tenant. The other occupants explain they feel "terrified" because of the Tenant's actions on November 26, 2012, and worry they may be his next victim.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find that the Tenant has significantly interfered with or unreasonably disturbed other occupants at the building, and that the Tenant has caused extraordinary damage to the rental unit. In particular, I find that the blood stains on the mattress are extraordinary damage and pose a health risk in any event.

I am also satisfied that it would be unreasonable and unfair to the other occupants of the residential property, and the Landlord, to wait for a Notice to End Tenancy to take effect.

Therefore, I allow the Landlord's Application and grant an order of possession effective at **1:00 p.m. December 21, 2012.**

This order may be enforced in the British Columbia Supreme Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: December 20, 2012.

Arbitrator
Residential Tenancy Branch