



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an early end to the tenancy and an order possession.

Background and Evidence

The applicant testified that:

- He believes that this tenant poses a threat to the safety of the other occupants of the rental property.
- The male tenant has previously assaulted one of the other tenants in the building.

- The latest issue of great concern is the fact that the tenant pulled the fire alarm in the building which resulted in the residence of the 60 units in the building having to evacuate on very short notice.
- The tenant has admitted to pulling the fire alarm.
- These tenants are also causing noise disturbances that affect all the surrounding tenants, above, below, and to the sides.
- They believe it would be unreasonable to the other occupants of the building to allow this tenancy to continue any further and they also believe it's a safety issue.

The respondent testified that:

- Her husband pulled the fire alarm out of frustration, as they have had to deal with disruptive tenants in the building and the manager has done nothing about it.
- Her husband felt that pulling the fire alarm was the only way to get some action from the building manager, and he's glad he did so because it certainly got a response.
- They have decided to move anyway and will likely be out this week sometime however they would like to have until the end of the month just to make sure, especially since their rent is paid to the end of January 2013.

Analysis

It is my finding that the respondent's actions do pose a significant risk to the safety of the other occupants in the rental property.

Not only does pulling the fire alarm caused extreme inconvenience for all the other occupants of the building, it also poses a safety hazard, as next time the alarm goes off someone may feel it's another false alarm and not exit the building. If it then turns out to be a real fire, someone could be injured or even killed.

No matter how frustrated the tenant feels, pulling a fire alarm is not justifiable.

Further in the respondent's written submissions the tenant has even admitted to punching another tenant, and although this assault occurred some time ago it is my finding that this also shows that the respondent poses a safety risk to the other occupants of the property.

Conclusion

I allow the applicant's request for an early end of this tenancy and I've issued an order of possession that's enforceable two days after service on the respondent's.

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: January 16, 2013

Residential Tenancy Branch

