



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an order ending this tenancy early. The landlord testified that he served the tenant with the application for dispute resolution and notice of hearing by posting those documents to the door of the rental unit. Although the tenant had been incarcerated after events which took place on January 4, the landlord testified that the police had advised that the tenant was released from custody approximately 1 week later. I found that the tenant had been properly served and the hearing proceeded in his absence.

Issue to be Decided

Should this tenancy end early?

Background and Evidence

The landlord's undisputed evidence is as follows. On January 4, the landlord's agent, D.T., received a complaint from another occupant that the tenant's TV was too loud. At 4:00 a.m., D.T. asked the tenant to turn down the volume and the tenant complied. D.T. received a second complaint at 4:30 and went to speak with the tenant a second time, locating the tenant in a common area and asked the tenant to come to the office. The tenant refused and D.T. entered the amenity room at which time the tenant produced a large knife which had been hidden in a plant. D.T. summoned the police who arrested the tenant.

Analysis

I am satisfied that the tenant has adversely affected the security, safety and physical well-being of other occupants and the landlord and that it would be unreasonable to make the landlord wait to end the tenancy until a one month notice to end tenancy had taken effect.

I find that the tenancy should end and I grant the landlord an order of possession which is effective 2 days after service on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court for enforcement.

Conclusion

The landlord is granted an order of possession.

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

