



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on October 31, 2012, by handing it over to him, in person. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on June 27, 2012. The monthly rent is \$730.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$365.00. The rental unit is located in an apartment complex.

The landlord testified that from the start of tenancy, the tenant created problems for the manager and the other residents of the complex. The problems included verbal abuse, threats of violence, noise disturbances and allowing visitors into the building at all hours of the day and night. Some of these visitors appeared to be under the influence of drugs and/or alcohol. The landlord filed a letter from the local police department that lists ten visits to the rental unit starting in August of 2012.

On October 20, the tenant accosted the resident manager in a storage room and threatened to beat him up. The tenant had in his hands a garbage can and an object that was not clearly visible. The manager feared for his life and locked himself in the storage area and called the police.

On November 02, 2012, the tenant assaulted a female resident in the parking lot. She was taken to the hospital with injuries that required stitches. The tenant was arrested and incarcerated.

Analysis

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and activities have seriously jeopardized the safety and security of the manager and the other residents. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further allow the landlord to retain \$50.00 from the security deposit towards the recovery of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the 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 09, 2012.

Residential Tenancy Branch

