



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes ET, FF

### Introduction

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 posting to the door of the rental unit on December 18, 2012, which was witness by a third party. Filed in evidence is a written statement by the witness, the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began on November 30, 2012. Rent in the amount of \$975.00 was payable on the first of each month. A security deposit of \$487.50 was required to be paid, however, the cheque was returned by the bank as item dishonoured. Filed in evidence is a copy of a dishonoured cheque.

The landlord testified he is seeking to end tenancy early and obtain an order of possession as the tenant has caused extraordinary damage to the residential property.

The landlord testified on December 13, 2012, he attended the unit as he could hear someone crying. The landlord stated there had been a domestic dispute and during that dispute the front door to the rental unit was kicked and broken by the tenant and the lock was also damaged. The landlord stated upon further investigation he found the tenant had broken the glass out of the backdoor and there was glass all over the back deck from glassware being broken. The landlord stated the police attended and the tenant was arrested. Filed in evidence is a police file number. Filed in evidence is a photograph of the broken front door, and the broken glass in the back door.

The landlord testified it was also discovered that the tenant had damaged the interior wall by covering the wall with graffiti. Filed in evidence is a photograph of the graffiti on the wall.

### 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, tenant and his partner participated in a domestic dispute during this dispute the front door was broken, the glass in the backdoor was smashed and glass was scattered on the back deck. It was also discovered during this time that the tenant has drawn graffiti on the interior wall, this is support by the documentary evidence filed.

I find the tenant has cause extraordinary damage to the residential property. 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. In this case, the tenancy was less than one month, during that time period, the police have attended for domestic violence, and the tenant has damage two exterior doors and has damage the interior wall with graffiti, causing extraordinary damage to the unit in a short time period. 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.

As the landlord has been successful with their application the landlord is entitled to recover the cost of filing their application from the tenant in the amount of \$50.00. I grant the landlord a monetary order for this amount. This order may be filed in the Provincial Court (Small Claims) 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: January 03, 2013.

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Residential Tenancy Branch

