



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

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.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served on the tenant by personal service on January 4, 2013, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord's agent parties appeared gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Issues(s) to be Decided

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

Background and Evidence

The landlord's agent testified that on December 24, 2012, at 11:25 pm the tenant attended at the front desk located in the building complex and created a disturbance by screaming and yelling at the landlord's staff. The landlord's agent stated it appeared the tenant was under the influence of something. The landlord's agent stated the tenant was asked to leave and go back to his room, however, the tenant refused. The landlord's stated the tenant continued to scream and yell and his action made the staff feel their safety was at risk, and they locked themselves in the back room until the police

arrived at the scene. The landlord's agent stated there was one previous incident with this tenant.

The landlord's agent stated that he received from the tenant an apology for his bad behavior and the tenant also sent him an email that he would be vacating the unit on January 15, 2013. The landlord stated he is agreeable for an order of possession effective on that date. Filed in evidence is a copy of the email.

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, the undisputed evidence of the landlord was on December 24, 2012, the tenant was under the influence of some intoxicating substance. The evidence was the tenant was yelling and screaming at the landlord's staff. The evidence was the tenant refused to leave and continued yelling as screaming at the staff and they felt their safety was at risk and the police had to attend the premises to bring the situation under control.

I find the tenant has significantly breached the tenancy agreement and the *Act* by unreasonably disturbing other occupants in the building and the landlord. 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. I find the tenant has unreasonably disturbed other occupants and the landlord and this disturbance were significant enough that the police attended to the incident. 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. The tenant has provided notice to the landlord ending the tenancy on January 15, 2013, the landlord is agreeable to have the order of possession effective that date. As a result, the landlord is given an

order of possession effective **January 15, 2013 at 1:00 P.M.** A copy of this order may be served on the tenant.

This order may be filed with the Supreme Court of British Columbia 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.

I grant the landlord an order of possession effective at **1:00 p.m. on JANUARY 15, 2013**. This order may be enforced in the British Columbia Supreme Court.

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 10, 2013.

Residential Tenancy Branch

