



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP

Introduction

This hearing concerns the landlord's application for an early end of tenancy and an order of possession. The landlord's agent attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of posting on the tenant's door on March 19, 2013, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on December 1, 2012. Monthly rent is \$425.00 and a security deposit of \$200.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated March 12, 2013. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. Reasons shown on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

Subsequently, the tenant did not file an application to dispute the notice, and he continues to reside in the unit.

Thereafter, the landlord filed the application for an early end of tenancy and an order of possession. Events giving rise to this application include, but are not necessarily limited to, numerous complaints from other building residents about loud music from the tenant's unit, frequent yelling and use of abusive language by the tenant, and breakage of furnishings within in the unit. As a result of events such as the foregoing, police were called to the unit on March 13, 2013.

Analysis

In relation to service of the hearing package, section 89 of the Act speaks to **Special rules for certain documents**, and provides in part:

89(2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with the hearing package by way of posting to his unit door on March 19, 2013.

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides in part:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

Once again, based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has met the burden of proving that the tenant has "significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property." Accordingly, I find that the landlord has established entitlement to an **early end of tenancy** and an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that 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: March 27, 2013

Residential Tenancy Branch

