



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0824953 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: ET

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking to end the tenancy early and obtain an order of possession for the rental unit.

The landlords appeared; the tenant did not appear.

The landlord's agent testified that she served the tenant with the Application for Dispute Resolution and Notice of Hearing by leaving it with the tenant on March 5, 2013. The landlord's agent said it was necessary to have a police escort when serving the documents.

I find the tenant was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a Notice to End Tenancy?

Is the landlord entitled to an Order of possession?

Background and Evidence

The landlord said that this tenancy started in 2010, monthly rent is \$980.00, and the rental unit is one of 8 units in an apartment building.

In support of their application, the landlord submitted that although they had no problems with the tenant to start with, approximately 6 months ago, they began experiencing significant problems with unauthorized individuals, the tenant's friends, accessing the building, leaving the common area door unlocked, using drugs, and disturbing other tenants.

The landlord stated that there is constant traffic at all hours into and out of the rental unit, that at least 7 other people have moved into the rental unit, and due to their drug and alcohol consumption, they sleep all day and cause extreme noise all night.

The landlord said that other tenants are now staying away from their own units to avoid the tenant and her guests, due to the noise and threats, and those other tenants are afraid to use the laundry facilities located next door to the tenant's rental unit. The landlord said they are seeking to end the tenancy early due to the threats of physical harm to the landlord's agent and other tenants.

The landlord submitted that they were unable to provide written statements from the other tenants as they were afraid for their own safety if they gave statements; however the landlord's agent said that she is constantly being called by the other tenants.

Analysis

Section 56 of the *Act* is an extraordinary remedy which grants the Director authority to end a tenancy without a notice of end tenancy if sufficient cause is established and the landlord demonstrates that it would be both unfair and unreasonable to allow the tenancy to continue until a one month Notice to End Tenancy under section 47 would take effect.

The landlord has the burden of proving that the tenant is significantly interfering with the quiet enjoyment of other occupants or putting other occupants at significant risk and of proving that it would be unfair and unreasonable to allow this tenancy to continue.

Based on the landlord's undisputed evidence I find that an early end of tenancy is warranted in the circumstances. It would not be reasonable for the landlord to jeopardize the health and safety of other residents of the building by allowing the tenant to remain in the rental unit, when she and her guests are allowing the common door to remain unlocked, uttering threats of violence, using illegal drugs on the premises, allowing an unreasonable number of occupants and creating extreme noise disturbances.

I find that it would be unfair and unreasonable to the landlord and the other occupants of the rental building to allow this tenancy to continue.

Conclusion

I therefore grant the landlord an order of possession for the rental unit effective 2 days after service upon the tenant.

This final, legally binding order of possession is enclosed with the landlord's Decision.

Should the tenant fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. Costs of such enforcement may be recoverable from the tenant.

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* and is being mailed to both the applicant and the respondent.

Dated: March 14, 2013

Residential Tenancy Branch

