



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This is an application filed by the Landlord for an order to end the tenancy early and to recover the cost of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing package on May 15, 2013 by posting it to the rental unit door. The Landlord states that a verbal exchange prior to the hearing date regarding the Tenant's own application and that of the Landlord's Application confirmed that the Tenant is aware of the Landlord's Application. The Tenant has not submitted any documentary evidence. I accept the undisputed testimony of the Landlord and I am satisfied that both parties have been properly served with the notice of hearing package and the submitted documentary evidence for the Landlord's Application.

During the hearing, the Landlord requested that the Agent, S. M. of Vancouver Eviction Services be added as a representative of the Landlord. The Landlord's amendment is granted and the Application shall be changed.

Issue(s) to be Decided

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

Background and Evidence

The Landlord states that this Tenancy began on September 1, 2012 on a fixed term tenancy until August 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$700.00 payable on the 1st of each month and a security deposit of \$350.00 was paid on August 27, 2012.

The Landlord seeks an order of possession to end the tenancy early because the Tenant or a person permitted on the residential property by the tenant has seriously

jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. The Landlord also states that the Tenant or a person permitted on the property by the tenant has put the Landlord's property at significant risk.

The Landlord states that the Tenant has allowed several unknown persons to access and live in the rental unit without the Landlord's permission. The Landlord's Agent, K.K. states that the Tenant's female roommate made various threats to her in an aggressive nature preventing her from accessing the rental unit. The Landlord's Agent, K.K. states that because of this she is unwilling to attend the property without a male co-worker or security personnel. The Landlord's Agent, S.M. states that a water main pipe burst in the rental to which they responded by attending to repair and remediate. The Landlord states that the Tenants are refusing access to the Landlord and the contractors to complete repairs for the water pipe. The Landlord states that over time if the remediation is not completed that mold may become an issue and as well the contractor's equipment is still in the rental unit for which they have no access to retrieve.

Analysis

I am satisfied based on the undisputed testimony of the Landlord and find that grounds for an early end of tenancy to obtain an order of possession has been established. The Landlord has shown that the property has been put at risk because the Tenant has refused access to the Landlord and the contractors to complete repairs\remediate the broken water pipe. The Landlord is granted an order of possession.

Having been successful, the Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: May 29, 2013