



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ET

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that on June 4, 2013, she posted the Notice of Hearing Documents to the Tenant's door. She stated that she placed copies of her documentary evidence in the Tenant's mail box on June 7, 2013.

I am satisfied that the Tenant was duly served with the Notice of Hearing documents in accordance with the provisions of Section 89(2)(d) of the Act. I also accept that the Landlord served the Tenant with copies of her documentary evidence in accordance with the provisions of Section 88(f) of the Act. Despite being served with the documents, the Tenant did not sign into the teleconference and the Hearing continued in his absence.

Issue to be Determined:

Has the Landlord shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the Act to take effect?

Background and Evidence:

The rental property is an apartment building consisting of 9 fully occupied units. The Landlord lives in one of the units.

In the evening of May 29, 2013, the Tenant was behaving very strangely on the lawn outside the rental property. He defecated on the lawn.

On May 30, 2013, at approximately 1:00 p.m., the Tenant started a fire in the rental unit by igniting a propane stove on top of the cook top. The Tenant was taken to the hospital, naked and bleeding from his head. The police arrested the Tenant and charged him with arson and mischief.

The Landlord is concerned for the safety of the other occupants, including her elderly grandmother. She stated that the rental unit is heavily damaged from the fire and the smoke. The Landlord provided photographs of the damage in evidence.

Analysis:

In making an application for an early end to this tenancy the Landlord has the burden of proving, on the balance of probabilities, that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the Landlord and placing the Landlord's property at significant risk. The Landlord must also provide sufficient evidence that it would be unreasonable or unfair to the Landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the *Act* to take effect.

Based on the undisputed affirmed testimony and evidence of the Landlord, I am satisfied that the Landlord has proven that there is cause to end the tenancy and that it would be unreasonable or unfair to the Landlord and the other occupants to wait for a one month Notice to End Tenancy for cause to take effect. I find that the Tenant has seriously jeopardized the health and safety of the other occupants and the Landlord, and has placed the Landlord's property at significant risk.

Conclusion:

I hereby provide the Landlord an Order of Possession **effective two days from service of the Order upon the Tenant**. This 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: June 18, 2013

Residential Tenancy Branch