



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession to end the tenancy early and without notice.

The hearing was conducted via teleconference and was attended by both landlords.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting it on the rental unit door on June 6, 2013 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 3<sup>rd</sup> day after it was posted.

The landlord also while the tenant has been staying in a shelter since the incidents that led to this Application the landlord has seen the tenant and discussed the issues. The landlord submits the tenant has moved many of his belongings out and had promised to have everything out by June 22, 2013 but this has not yet occurred.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for to end the tenancy early and without notice, pursuant to Section 56 of the *Act*.

### Background and Evidence

The landlord submits the tenancy began on March 1, 2012 as a 12 month fixed term tenancy with monthly rent of \$815.00 due on the 1<sup>st</sup> of each month with a security deposit of \$407.50 paid.

The landlord submits that while the tenant has caused disruptions and damage to his own rental unit during the tenancy on June 5, 2013 at 4:00 a.m. he caused a disturbance in a common area hall in the residential property. He caused damage to the walls, pictures provided into evidence and he caused a couple of neighbouring tenants to be disturbed and to be fearful for their safety.

The landlord submitted into evidence to letters of complaint outlining the disturbance and their fears about their safety.

### Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
  - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
  - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
  - iii. Put the landlord's property at significant risk;
  - iv. engaged in illegal activity that
    - a) Has caused or is likely to cause damage to the landlord's property,
    - b) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
    - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - v. caused extraordinary damage to the rental unit or residential property;

- b) And it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under Section 47 to take effect.

Based on the undisputed testimony of the landlord I find the landlord has established sufficient cause to end the tenancy. I also find that the landlord has established that it would be unreasonable for the neighbouring tenants to have to wait for a notice to end tenancy under Section 47 to take effect and that to allow the tenancy to continue may place the neighbouring tenants' safety in jeopardy.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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 26, 2013

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Residential Tenancy Branch

