



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application filed by the Landlord for an order ending the tenancy early and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on August 2, 2013 and has provided a copy of the Customer Receipt Tracking Receipt as confirmation.

Issue(s) to be Decided

Is the Landlord entitled to an order ending the tenancy early?

Background and Evidence

This Tenancy began on November 1, 2012 on a month to month basis as shown by the submitted copy of the signed tenancy agreement.

The Landlord has stated that the Tenant is smoking in the rental property against the wishes of the Landlord when the rental property is a non-smoking building as noted on the signed tenancy agreement. The Landlord also states that the Tenant has threatened to burn down the house when confronted with the request to not smoke and has filed a complaint with the local police.

Analysis

I accept the undisputed testimony of the Landlord and find that a claim for an early end to the tenancy has been established. The Landlord has provided in his direct testimony that the Tenant has seriously jeopardized the health or safety or a lawful right or interest of the Landlord by threatening to burn the house down. The Landlord is granted an order of possession. The order must be served upon 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.

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.
The Landlord is granted 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: August 21, 2013

Residential Tenancy Branch

