



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 for an early end to the tenancy and a request for an Order of Possession.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an early end to the tenancy and an Order of Possession?

Background and Evidence

The applicant testified that:

- The tenants have run illegal wiring for an outlet for laundry and this is a safety hazard for the rental unit and may actually void the insurance.
- The tenants also drilled a hole through the deck to run a hose to their washing machine thereby allowing the deck to leak.
- The tenants also cut out of section of the solid railing without any permission to do so allowing access for rain into the wall from above. This could cause extreme water damage to the interior of the wall.

- The tenants are also behind on the rent by \$2400.00 and were served with a 10 day Notice to End Tenancy on August 1, 2013.

The applicant is therefore requesting an early end to this tenancy and an Order of Possession for as soon as possible. He is also requesting recovery of his \$50.00 filing fee.

The respondent testified that:

- They have run a wire to an electrical box to run their washing machine; however it's just an extension cord and should therefore not be an electrical hazard.
- They did run the hose through the deck; however that hole was already there.
- They also did cut out of section of the upstairs railing however there was no structural damage and they had planned to build a gate there.
- They are behind on the rent and did receive a Notice to End Tenancy; however the rent is being held by the Ministry and should be available if the landlord were to go into the Ministry with them.

In response to the respondent's testimony the applicant testified that:

- The wiring that has been done runs to an open electrical box as can be seen in the photo evidence and this causes an extreme electrical hazard.
- There was no hole in the deck; the tenants drilled that hole themselves.
- There is structural damage caused by removing the railing, as now water can get into the downstairs wall from above.

Analysis

It is my finding that the landlord has shown that the tenants have caused damage to the rental unit, and have done unauthorized wiring that put this rental unit at risk and I therefore allow the landlords request for an early end to the tenancy.

The tenant claims it is just an extension cord; however the landlord's photo evidence clearly shows that there is an open electrical box that's not even attached to the wall and I find that this is a very unsafe situation.

Further the tenant admits that they have cut a section of the upper railing, which is in reality a half wall that is over the lower wall and I find it very likely that having cut this section out, it is possible that moisture can enter the lower wall putting the house at risk of even further damage.

Conclusion

I order an early into this tenancy and have issued an Order of Possession that is enforceable two days after service on the tenants. I also order recovery of the \$50.00 filing fee and I therefore order that the landlord may retain \$50.00 of the tenant's security deposit at the end of the tenancy.

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: September 12, 2013

Residential Tenancy Branch

