



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This is an application filed by the Landlord to end the tenancy early and obtain an order of possession.

Both parties attended the hearing by conference call and gave testimony. Although the Landlord submitted his documentary evidence late to the Residential Tenancy Branch on October 24, 2013, the Tenant has confirmed receiving the documentary evidence on October 25, 2013, which is within the allowed timeframe. The Tenant has not submitted any documentary evidence. I am satisfied that both parties have been properly served with the notice of hearing package and the submitted documentary evidence.

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 on September 24, 2013 the Tenant was arrested by local police on a charge of arson and mischief. The Landlord explains that the Tenant put the Landlord's property at significant risk by starting a fire inside her rental unit and then leaving it unattended. The Landlord has provided copies of an online search that shows that the Tenant, M.K. was charged with arson damaging property and mischief under \$5000 for an offence that took place on September 24, 2013. The Landlord has also provided log notes from staff at the rental property that state, a staff member attended the Tenant's rental unit responding to a fire alarm and noticed "a pile of smoldering paper in the middle of room. The staff member reports that the Tenant was not in the rental unit at the time. The Tenant confirms that a "candle light" was started to provide light in the rental unit as there was no power. The Tenant clarified that the "candle light"

was rolled up paper that was lit to provide light inside the dark room. The Tenant has also confirmed that she has been charged with arson and mischief and is awaiting an outcome at the courts.

Analysis

I find on a balance of probabilities that the Landlord has established a claim for an early end to the tenancy. The Tenant has admitted to starting a fire in the rental unit. I find that the Tenant jeopardized the health or safety of the Landlord and other occupants by starting a fire to provide light. Although the Tenant argues that this is mitigated as this was an attempt at providing light in the rental unit, a fire alarm was triggered, staff members attended and extinguished the fire and that it was noted that the Tenant was not in the rental unit with the smoldering pile of paper. The Landlord is granted an order of possession. This 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.

Conclusion

The Landlord's application for an early end to the tenancy is granted.
The Landlord is granted an order of possession.

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: October 31, 2013

Residential Tenancy Branch

