



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an application by the landlord for an order ending the tenancy early and an order of possession. Although personally served with the Application for Dispute Resolution and Notice of Hearing on December 13, 2013 the tenant failed to appear for the hearing.

Issues(s) to be Decided

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

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began on June 1, 2013. The tenant moved into the rental unit with her teenage daughter. The rental unit is the basement suite in a house. There are other tenants living in the main portion of the house who have been there for approximately 4 years. According to the landlord, the problems began when the tenant began complaining about noise from the upstairs occupants. The landlord testified that this surprised her because she had never had any complaints from the previous basement tenants. Subsequently, the upstairs occupants complained that the downstairs tenant was turning off the heat and hot water to the upstairs occupants in retaliation for the supposed noises. The landlord testified that this is a major problem and that she is unable to stop the downstairs tenant from doing this because the controls are in the basement suite. The landlord has sent several warning letters to the downstairs tenants and says that when she has attended at the unit to speak to them she is being met with screaming, foul language and threats from the downstairs tenant's husband.

Additionally, the tenant's husband has made repeated threats to the landlord on her voice mail. Ultimately, on November 13, 2013 the landlord served the tenant with a 1 Month Notice to End Tenancy. The landlord took a friend with her to serve the Notice in person and was met with a torrent of abuse and death threats from the tenant's husband. The tenant's husband even chased the landlord and her friend to the car screaming at them all the while. The landlord testified that she has never heard such foul language and that she is truly frightened for herself, the upstairs tenants and her

property. She testified that she believes her property is at significant risk and that she does not believe she can wait any longer to get the tenant out of the basement.

Analysis

Section 56 of the Act states that a landlord may request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given for cause under Section 47. Upon receipt of such an application, the director may make an order specifying an earlier date on which a tenancy ends and the effective date of an order of possession for the rental unit only if the director is satisfied that certain conditions exist. These conditions are listed in Section 56(2) of the Act.

In the present case the landlord has applied for an order ending the tenancy early on the basis that a person permitted on the residential property by the tenant has significantly interfered with and unreasonably disturbed other occupants and the landlord of the residential property and that it would be unfair to the other occupants and the landlord to wait for a one month notice to take effect. After having heard the testimony of the landlord and reviewed the documentation submitted by the landlord in support of this application, I am satisfied that this is an appropriate case for an early end to the tenancy. I note that more than a month has already passed since service of the 1 Month Notice in any event and that that Notice was not disputed by the tenant.

Conclusion

Based on all of the above, I grant the landlord an order ending the tenancy early. I also grant the landlord an order of possession effective two days from the date of service. 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: December 20, 2013

Residential Tenancy Branch

