



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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and an Order of Possession pursuant to s. 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1:42 p.m. in order to enable him to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, and to make submissions. The landlord testified that in the company of two police officers, he posted a copy of his dispute resolution hearing package and written evidence on the tenant's door at approximately 6:00 p.m. on November 12, 2013. In accordance with sections 89(2) and 90 of the *Act*, I find that the tenant was deemed served with the landlord's hearing and evidence packages on November 15, 2013, three days after its posting on his door.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that this periodic tenancy began in approximately March 2012. Monthly rent is set at \$500.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$250.00 security deposit paid when the tenancy began.

The landlord entered into written evidence a written statement describing the tenant's behaviours that have led to considerable damage to the rental property, to excessive noise and disruption to others in this 21-unit rental complex, and to the frequent attendance at the premises by the local police who have escorted the tenant away from the complex a number of times. Almost every resident in this complex signed a petition

requesting action by the landlord to address their concerns as to their safety in this complex as a result of the tenant's ongoing behaviours.

Analysis

Section 56 of the *Act* allows a landlord to make an application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

I find that there is undisputed written evidence and sworn testimony that there have been ongoing problems with respect to damage to the landlord's property and the property of others, loud music, excessive noise coming from the rental unit, and a series of escalating threatening and unacceptable behaviours at the rental unit. I find that despite warnings from the landlord and the repeated involvement of the police to escort the tenant from this complex, the tenant has not curtailed his behaviour. While these incidents may call for the issuance of a 1 Month Notice to End Tenancy for Cause I find that recent incidents have escalated to the point where the landlord and other tenants are fearful that the tenant will take violent actions if he remains in this tenancy. Although the landlord believes that the tenant may have decided to end his tenancy, the landlord requested an immediate end to this tenancy in case that has not occurred. I therefore find that it would be unreasonable and unfair to the landlord and his other tenants to wait for a notice to end tenancy for cause to take effect. For these reasons, I allow the landlord's application and issue an immediate end to this tenancy.

As the landlord has been successful in this application, I allow the landlord to recover his \$50.00 filing fee from the tenant.

Conclusion

I allow the landlord's application to end this tenancy early and grant the landlord an immediate Order of Possession. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

To implement my decision to allow the landlord's recovery of his filing fee, I order the landlord to retain \$50.00 from the tenant's security deposit. The revised value of the tenant's security deposit is hereby reduced from \$250.00 to \$200.00.

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: December 04, 2013

Residential Tenancy Branch

