



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is the Landlord's Application for Dispute Resolution, seeking orders to end the tenancy early and be granted an order of possession.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issues to be Decided

Is the landlord entitled to end tenancy early and obtain an order of possession?

Background and Evidence

The landlord testified on February 6, 2014, he went to the rental unit to collect rent and he discovered that the hydro meter was missing and noticed that power was being used in the rental property. The landlord stated he immediately went to the police as this put his property a significant risk.

The tenant testified that the hydro account was originally in his roommate's name and the hydro was disconnected. The tenant stated that he was sick at the time and the weather was cold, so he removed the meter and reconnected the electricity.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, the tenant's hydro had been disconnected; the tenant removed the hydro

meter and reconnected the power without the meter. Not only is this action a criminal offence of “theft”, but bypassing the meter, or tampering with a meter can create a dangerous and deathly situations and can caused damage to wiring, circuits and even put the property at risk of a fire.

I find the tenant has significantly breached the tenancy agreement and the *Act* by removing the hydro meter and reconnecting the power. Based on this conclusion, I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. I find the tenant actions of stealing power by passing the meter jeopardized the landlord's lawful right or interest and placed the property at serious risk. I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the landlord's application to end this tenancy early.

Therefore, I grant the landlord an order of possession effective **two (2) days** after it is served upon the tenant. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

As the landlord has been successful with their application. I authorize the landlord to deduct \$50.00 for the tenant's security in full satisfaction of this award.

Conclusion

The landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted. The landlord is granted an order of possession.

The landlord is authorized to retain \$50.00 for the tenant's security deposit in full satisfaction of this award.

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 February 24, 2014

Residential Tenancy Branch

