



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy dated January 30, 2014 and setting the end of tenancy for February 28, 2014 was personally served on the Tenant on January 30, 2014. I find that the 10 day Notice to End Tenancy dated March 3, 2014 was sufficiently served on the Tenant by posting on March 3, 2014. I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on March 7, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided are as follows:

- a. Whether the landlord is entitled to an Order for the early termination of the tenancy and an Order for Possession?
- b. Whether the landlord is entitled to reimbursement of the cost of the filing fee?

Background and Evidence

The tenancy began on December 15, 2013. The written tenancy agreement provided that the tenant(s) would pay rent of \$650 per month in advance payable on the last day of each month. The tenant paid a portion of the security deposit in the sum of \$200 on December 15, 2013. The tenant has failed to pay the rent for March and the sum of

\$650 remains outstanding. The landlord testified that it appears the tenant may have left the rental but her adult son continues to live in the rental unit.

Early Termination of the Tenancy:

Section 56 of the Residential Tenancy Act provides that a landlord may request an Order ending the tenancy that is earlier than the tenancy would end if notice to end were given under section 47 and an order of possession if

56(2) (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property, and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [landlord's notice: cause] to take effect.

Analysis:

I determined the landlord has established sufficient cause for the early termination of the tenancy. I accept the testimony of the representative of the landlord that the tenant's son has threatened to kill her husband on a number of occasions. The police have been called on two occasions. Further, I am satisfied that the tenant's son has been careless leaving food on the stove that has resulted in the fire department being called. There is a serious safety issue. Finally, I determined the tenant's son has caused an excessive amount of noise. Prostitutes have used the rental unit and significantly disturbed the landlord and her children. The son and his male friends have

urinated outside. As a result I determined the landlord is entitled to an order for the early end of the tenancy.

In addition I determined the landlord is entitled to an Order for Possession based on the one month notice. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant has been deemed to have accepted the end of tenancy on the date set out in the Notice. As well the landlord is entitled to an Order for Possession based on the 10 day Notice to End Tenancy. The landlord sufficiently served the 10 day Notice to End Tenancy on the Tenant on March 3, 2014 by posting. The tenant failed to pay the rent within the 5 days that would void the Notice. The rent remains unpaid.

Order of Possession:

I determined the landlord was entitled to an Order for Possession. **Accordingly, I granted the landlord an Order for Possession effective on 2 days Notice.** As the landlord has been successful I ordered that the landlord is entitled to the reimbursement of the \$50 filing fee such sum may be deducted from the security deposit.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. 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: March 18, 2014

Residential Tenancy Branch

