



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP, FF

Introduction

This hearing was scheduled in response to the landlord's application for an early end of tenancy and an order of possession / in addition to recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that he served the tenant with the application for dispute resolution and notice of hearing (the "hearing package") in-person on March 06, 2014. Despite this, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute is the basement portion of a house. The landlord resides in the upstairs portion of the house.

There is no written tenancy agreement in evidence for this tenancy which began in approximately May 2013. Monthly rent is \$650.00. While a security deposit was collected, the landlord repaid it after the tenant assured him that he would vacate the unit. Subsequently, however, the tenant did not vacate the unit.

The landlord describes loud noises at all hours, overcrowding, excessive drinking, unruly behaviour and complaints from neighbours as his main reasons for seeking to end the tenancy. He testified that Police have been called on at least two occasions.

Analysis

Section 56 of the Act speaks to **Application for order ending tenancy early**. Pursuant to this statutory provision, and based on the affirmed / undisputed testimony of

the landlord, I find that the landlord has established entitlement to an early end of tenancy and an **order of possession**. Specifically, I find that the tenant or persons permitted on the residential property by the tenant, have significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property. I further find that "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."

Further, section 56 of the Act provides as follows:

56(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

As the landlord has succeeded with his application, I find that he has also established entitlement to recovery of the **\$50.00** filing fee.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **two (2) days** after service on the tenant. This order must be served on 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. This order may be served on the tenant, filed in the Small Claims Court 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: March 20, 2014

Residential Tenancy Branch

