



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This was an application by the landlords for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlords and the tenant called in and participated in the hearing.

### Issue(s) to be Decided

Should there be an early end to the tenancy?

### Background and Evidence

The rental unit is a basement suite in the landlords' house in Coquitlam. The tenancy began in May, 2013. The landlords live in the upper portion of the house.

The landlords testified that because of the recent events at the rental unit, they feel unsafe having the tenant residing there have therefore applied for an early end of tenancy.

The landlords testified that there have been disturbances at the rental property, including several police attendances, one of which involved a police arrest of the tenant and her removal from the rental unit. The landlord testified that the tenant left an item cooking on the stove or in the oven and then left the rental unit. When the upstairs began to fill with smoke the landlords had to enter the unit and the landlords had to enter the unit in the tenant's absence to locate the source of the smoke and turn off the stove. The landlords were disturbed by the event and by the tenant's carelessness.

The landlords testified that they have objected to the presence of one of the tenant's guests, in part because of his drug use and criminal record. On March 23<sup>rd</sup> this person died in the rental unit due to a drug overdose. The police, ambulance attendants and the coroner all attended at the rental unit as a result of the occurrence.

The landlords testified that they feel unsafe in their own house due to these and other incidents related to the tenant's lifestyle and the people with whom she associates who attend at the rental unit.

The tenant has not paid rent for April. The landlord said that the rent has seldom been paid on time. The tenant said that she was unable to pay April rent because a guest stole \$1,000.00 from the rental unit. The tenant said she is looking for other accommodation and is currently staying with a friend. She said that she wants to continue the tenancy until she has located a new place to live, hopefully by the end of May.

### Analysis and Conclusion

Section 56 (2) of the *Residential Tenancy Act* permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the rental property, or has seriously jeopardized the health

or safety or the lawful right or interest of the landlord or another occupant, and 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. Section 56 (3) of the *Act* provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The evidence of the landlords has satisfied me that the conduct of the tenant and her guests has significantly interfered with or unreasonably disturbed the landlords and 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 to take effect.

Accordingly I order the tenancy to be at an end effective today, April 29, 2014, and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme 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: April 29, 2014

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Residential Tenancy Branch

