



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: ET / OP, FF

### Introduction

This hearing concerns the landlord's application for an early end to tenancy / an order of possession, and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") were personally served on the tenant on July 09, 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 located in the basement portion of a house. There are 2 separate rental units in the basement. The landlord lives in the upstairs portion of the house.

There is no written tenancy agreement in evidence for this tenancy which began approximately 6 years ago. Monthly rent is \$600.00, and a security deposit of \$300.00 was collected.

The landlord claims that within the past several months the tenant's girlfriend and the tenant's girlfriend's dog have moved into the unit without the landlord's consent. The landlord also claims that the tenant has repeatedly been late in his payment of rent, and that rent is currently overdue. However, of most immediate concern to the landlord is the conduct and behaviour of the tenant and / or those permitted on the residential property by the tenant. Specifically, on July 07, 2014, 3 individuals attended the unit with various weapons and kicked down the unit door. Police were called and the

landlord claims that other occupants of the house continue to be fearful for their own safety and the safety of children.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 56 of the Act speaks to **Application for order ending tenancy early**, in part:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) a 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) 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.

(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.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with the hearing package on July 09, 2014.

I further find that the tenant or others permitted on the residential property by the tenant has / have significantly interfered with or unreasonably disturbed another occupant or

the landlord, that the tenant or others has / have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, that the tenant or others has / have put the landlord's property at significant risk, and that the tenant or others has / have caused extraordinary damage to the residential property.

Additionally, I find that it would be unreasonable, or unfair to the landlord or other occupants of the residential property to wait for the issuance of a 1 month notice to end tenancy for cause to take effect.

Following from all of the above, I find that the landlord has established entitlement to an **order of possession**.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **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.

As the landlord has succeeded with her application, I find that she has established entitlement to recovery of the **\$50.00** filing fee. I hereby order that the landlord may withhold this amount from the tenant's security deposit at the end of tenancy.

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: July 16, 2014

---

Residential Tenancy Branch

