



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application for an early end to the tenancy, an Order of Possession and a request for recovery of the filing fee.

The applicant testified that the respondent was served with notice of the hearing by posting the documents on the respondent's door on July 4, 2014; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents posted on the respondent's door are deemed served 3 days after posting and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an early end to the tenancy and an Order of Possession?

Background and Evidence

The applicants testified that:

- The respondent sexually assaulted the applicant/landlord and as a result is been charged with aggravated sexual assault.
- The court has ordered that the respondent have no contact with the applicant/landlord.

- The court has also ordered that the respondent is not allowed to be on the rental property or in the rental premises.
- They have made arrangements with the RCMP to supervise the removal of the tenant's belongings, however the tenant refuses to cooperate and therefore his belongings are still in the rental unit.
- They are therefore requesting an Order for an early end the tenancy and an Order of Possession for soon as possible

Analysis

It is my finding that the applicants have shown that it would be unreasonable to allow this tenancy to continue any longer.

I accept the applicant's sworn testimony that she was sexually assaulted by the respondent and that the respondent has been charged with aggravated sexual assault.

In light of the situation I will allow the request for an early end of the tenancy and an Order of Possession.

I also allow the request for recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent.

I've issued an Order for the respondent to pay \$50.00 to the applicant for recovery of the filing fee.

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 22, 2014

Residential Tenancy Branch

