



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing was convened to address an application by the landlord for an order ending this tenancy early and for a monetary order for the recovery of the filing fee.

This dispute was originally scheduled to be heard on August 21, 2014 and was reconvened to be heard on this date August 22, 2014. Both parties were informed of the date and time of this hearing by the Residential Tenancy Branch. The landlord stated that he verbally reminded the tenant of the time and date of this hearing. Despite having been served with the application for dispute resolution and notice of hearing by the Residential Tenancy Branch and by the landlord in person on August 21, 2014, the tenant did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to an order ending this tenancy early? Is the landlord entitled to recover the filing fee?

Background and Evidence

The landlord's undisputed evidence is as follows: The tenancy began on June 25, 2012. The rental unit is located in a building that houses a total of 130 units and provides supported housing. Most of the tenants have drug and mental health issues.

The landlord stated that the tenant associates with persons who have committed serious crimes including murder and who are barred from entering the building. The tenant has allowed these individuals in through an emergency door and despite multiple verbal and written warnings continues to do so. These individuals have caused problems for the other residents by stealing their property, selling drugs and uttering verbal threats. The landlord also stated that on two occasions, the tenant emptied 20 litre cans of paint in the hallways causing a mess which he did not clean up. The tenant also is verbally abusive to staff and has thrown coffee at a staff member.

The landlord has some of the tenant's activities recorded on video tape and has filed copies of incident reports some involving the police. The landlord stated that the tenant has caused extreme disturbance to staff and the other occupants of the building by granting access into the building to known criminals, verbal abuse and destruction of the residential property. The landlord also stated that because of the tenant's activity, there has been an ongoing police presence at the residence.

Analysis

I accept the landlord's undisputed evidence and I find that the tenant has caused an extreme disturbance and created an environment which is dangerous for the other occupants of the building and destructive to the residential property. I find that it would be unfair to make the landlord wait for a one month notice to end tenancy to take effect and I find that the landlord is entitled to an order of possession to end the tenancy early. I grant the landlord an order of possession effective two days after service on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

Since the landlord has proven his case, I award him the recovery of the filing fee of \$50.00. I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act*, for \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession **effective two days after service** on the tenant and a monetary order for **\$50.00**.

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: August 22, 2014

Residential Tenancy Branch

