



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bon Terra Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord 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 landlord's representatives called in and participated in the hearing. The tenant did not attend, although she was personally served with the application for dispute resolution and notice of hearing on August 7, 2014.

Issue(s) to be Decided

Should there be an early end to the tenancy?

Background and Evidence

The rental unit is an apartment in Surrey. The tenant was served with a 10 day Notice to End Tenancy for unpaid rent that has not been disputed and the landlord has applied for dispute resolution with respect to the Notice. The matter is set for hearing on September 18, 2014.

The landlord's representatives testified that the tenant's conduct and that of her boyfriend, who is an unauthorized occupant of the rental unit since the Notice for unpaid rent was given has caused the landlord to make this application for an early end of tenancy.

The landlord's representative testified that the tenant has been observed setting off fire alarms in the building on a number of occasions. The Fire Department has attended at the rental property in response to these alarms on July 30th, August 3rd and August 4th. There have been three more occurrences since the landlord's application was filed. The RCMP has attended several times and an officer has told the landlord's representative that the tenant should be evicted. On August 16th the tenant's boyfriend assaulted another occupant of the rental property. He was arrested, taken into custody and charged by the police. He has since been released and has reappeared at the rental property.

The landlord referred to several letters of complaint by other occupants of the rental property who have complained about the tenant's loud, abusive behavior, drug use and episodes of public sex on her balcony in front of children who reside at the rental property. The landlord's representative also testified that the tenant has vandalized the rental property and caused significant damage that the landlord has had to repair..

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 landlord has satisfied me that the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant and that she has significantly interfered with or unreasonably disturbed other occupants 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, August 22, 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: August 22, 2014

Residential Tenancy Branch

