



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

The landlord testified that she served the tenant with the notice of hearing and application for dispute resolution on September 30, 2014, by handing it over to him, in person. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on July 01, 2014. The monthly rent is \$1,200.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$600.00. The rental unit is located in the basement of the landlord's home. The landlord lives upstairs.

The landlord testified that from the start of tenancy, the tenants created noise disturbances by fighting and also indulged in activities that drew the attention of the police. The tenants broke open doors and shattered window panes during altercations. The landlord filed photographs of the damage.

The landlord stated that the problems that included verbal abuse, threats of violence, noise disturbances and use of illegal substances created an unsafe environment for herself and her family.

The landlord stated that the female tenant moved out about a month ago and the male tenant moved out a few days prior to this hearing. The unit contains some items belonging to the tenants which appear to be unwanted by the tenants. The landlord fears that the tenant may return and wants an order of possession.

Analysis

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenants' behaviour and activities have seriously jeopardized the safety and security of the landlord and her family. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further allow the landlord to retain \$50.00 from the security deposit towards the recovery of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit.

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: October 17, 2014

Residential Tenancy Branch

