



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution, seeking an order to end the tenancy early, and receive an order of possession.

One of the landlords, R.S., attended the teleconference hearing and gave affirmed testimony and was provided the opportunity to present the landlords' evidence orally and in written and documentary form, and to make submissions to me.

As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlord provided affirmed testimony that the Notice of Hearing, Application and documentary evidence were served on tenant, A.G. at the rental unit on September 23, 2014 at 4:58 p.m., which was witnessed by third party, A.P. The landlord stated that tenant R.C., is currently in custody having been charged with second degree murder, which was supported by documentary evidence from a local news website which included the photo of tenant R.C., and to which the landlord confirmed the photo and name matched tenant R.C. Pursuant to section 89(2)9a) and section 89(2)(c) of the *Act*, I find that both tenants A.G. and R.C. have been sufficiently served under the *Act*.

Issue to be Decided

- Are the landlords entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

According to the landlord, a periodic month to month tenancy agreement began on May 15, 2014. The landlord testified that the male tenant, R.C., has been arrested and charged with the second degree murder of a seventeen year old female in Surrey and is supported by documentary evidence submitted by the landlord from a local news website. The landlord stated that the female tenant, A.G., continues to occupy the rental unit which is located immediately below the landlords in the same house. The landlord stated that she is not only concerned for

her safety, but is also concerned for the safety of her sixteen year old daughter who is an occupant of the house.

The landlords have applied for an order to end the tenancy early based on tenant R.C. being charged with second degree murder of a seventeen year old female, which happens to be a similar age to the landlord's daughter living upstairs. According to the undisputed documentary evidence, tenant R.C. was previously sentenced in 1991 for the crime of sexual assault against a twenty-one year old woman in Abbotsford with a weapon, and served 22 years in jail for the crime before being released in March of 2013. This information was not known by the landlords until it was released by the media on September 22, 2014.

Analysis

Based on the documentary evidence and the testimony provided by the landlord during the hearing, and on a balance of probabilities, **I find** and I am satisfied that a tenant has significantly interfered with and unreasonably disturbed the landlords or another occupant of the residential property. In addition, **I find** that there is evidence to support that a tenant has engaged in illegal activity that has adversely the quiet enjoyment, security, safety and physical well-being of another occupant of the residential property.

I am also satisfied that it would be unreasonable and unfair to the landlords or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

Therefore, pursuant to section 56 of the *Act*, **I grant** the landlords an order of possession for the rental unit effective not later than **two (2) days** after service of the order on the tenants. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: October 7, 2014

Residential Tenancy Branch

