



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an early end to tenancy / order of possession, and recovery of the filing fee. The landlord attended the hearing and gave affirmed testimony through “ISG” who attended the hearing with the landlord in order to provide assistance. At the hearing the landlord withdrew the application to recover the filing fee and seeks only an early end to tenancy / order of possession.

The landlord’s application for dispute resolution was filed on December 08, 2014. The landlord testified that the application for dispute resolution and notice of hearing (the “hearing package”) were served by way of attaching to the unit door on December 08, 2014. Despite this, neither tenant appeared.

Based on the affirmed / undisputed testimony of the landlord, I find that the hearing package was served on the tenants in accordance with the provisions set out in section 89 of the Act which speaks to **Special rules for certain documents**. Specifically, section 89(2)(d) of the Act provides as follows:

89(2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

In response to a previous application by the landlord a hearing was held on December 05, 2014 (file # 828456). By decision dated December 12, 2014, the landlord's application for an early end to tenancy / order of possession and recovery of the filing fee was dismissed. I am satisfied that new and / or additional information has been submitted with the landlord's current application subsequent to the previous decision.

The unit which is the subject of this dispute is located within a building where there are many other residents. The landlord purchased the unit in October 2012. There is no written tenancy agreement in evidence for this tenancy which is understood to have begun approximately 5 years ago, prior to the time when the landlord purchased the unit. Monthly rent is \$1,100.00 and a security deposit of \$550.00 was collected.

A range of concerns about the conduct and behaviour of the tenants and / or those permitted on the property by the tenants, have been brought to the landlord's attention by other residents in the building, as well as by the property management company acting on behalf of the strata council. Concerns include, but are not necessarily limited to, loud yelling in their unit, aggressive and threatening behaviour towards others, attempted attacks on others, assorted acts of vandalism, leaving garbage outside the unit door, activating the fire alarm and so on. Several calls have been made to Police.

Analysis

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides in part as follows:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
 - (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
 - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;

(iii) put the landlord's property at significant risk;

(b) 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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the considerable documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlord has met the burden of proving that the tenants have "significantly interfered with or unreasonably disturbed" other occupants of the residential property, and that they have "put the landlord's property at significant risk." I further find that "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. In the result, I find that the landlord has established entitlement to an **early end to tenancy and an order of possession**.

As the end of tenancy nears, the attention of the parties is drawn to section 38 of the Act which speaks to **Return of security deposit and pet damage deposit**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord withdrew the application 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: December 23, 2014

Residential Tenancy Branch

