



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlords for an order ending this tenancy early. Despite having been served with the application for dispute resolution and notice of hearing on January 9, 3 days after the date on which the landlords posted these documents to the door of the rental unit, the tenant did not participate in the conference call hearing.

Issue to be Decided

Are the landlords entitled to an order ending this tenancy early?

Background and Evidence

The landlords' undisputed evidence is as follows. The rental unit is in a basement suite of a home occupied by the landlords and their children. The tenant is allowed to use the landlord's washer and dryer, which are located not in a common area but in the landlord's private residence, on Sundays. On Saturday, January 3, the tenant demanded that she be permitted to do laundry. The landlords would not permit her to use the laundry facilities and the tenant waited until the adults were away and broke into the landlords' residence to do laundry. The landlords testified that this frightened their children and has made them feel as though they were not secure in their home.

The landlords also testified that the tenant has caused damage to the door of her unit and provided photographs showing a heavily damaged door. They further testified that the tenant is abusive, screaming at them, kicking their front door, ringing their doorbell and demanding money.

Analysis

When a tenant's behaviour causes problems, landlords may issue a one month notice to end tenancy. When a tenant's behaviour is so extreme that an immediate end to tenancy is required, landlords may apply for an early end to tenancy and are not required to serve the tenant with a notice. In order to succeed in this application, the landlords must prove that it would be unreasonable or unfair for the landlords to wait for a one month notice to end tenancy to take effect. I find that the landlords have met their burden of proof.

I find that the tenant's behaviour has given the landlords legitimate cause to fear for their safety and security and that of their children. I find that because the tenant is willing to break into the landlords' home to obtain what she is not rightfully entitled to, there is a very real threat to the landlords that she will continue to act in this way. I find that it would be unfair to force the landlords to wait for a one month notice to end tenancy to take effect.

I therefore grant the landlords an order of possession which will be effective 2 days after service on the tenant. This order must be served on the tenant and may be filed in the Supreme Court for enforcement if required.

Conclusion

The landlords are granted an order of possession.

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: January 20, 2015

Residential Tenancy Branch

