



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PHS Community Services Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Code:**

ET

### **Introduction:**

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that on February 27, 2015, he hand delivered the Notice of Hearing documents to the Tenant at the rental unit with a witness present. He stated that he also hand delivered a copy of his electronic evidence, a USB stick, to the Tenant on March 2, 2015, at the rental unit. The Landlord's agent testified that he confirmed that the Tenant was able to open the USB stick and view its contents.

Based on the Landlord's agent's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents and copies of the Landlord's evidence. Despite being served with the documents, the Tenant did not sign into the teleconference and the Hearing continued in his absence. The teleconference remained open for 12 minutes.

### **Issue to be Determined:**

Is the Landlord entitled to end the tenancy early and obtain an Order of Possession?

### **Background and Evidence:**

The Landlord's agent testified that the Tenant broke into another occupant's room and stole some items. The Landlord's agent stated that the other occupant had a video camera set up in his room which captured the theft. The USB stick contains the video of the Tenant stealing the other occupant's possessions.

The Landlord's agent testified that the Landlord's video surveillance also captured the Tenant walking down towards the other occupant's room with his hat on, and walking back from the other occupant's room with his hat off. The Landlord's agent stated that he has known the

Tenant for a number of years and that he recognized the Tenant as the person pictured in both videos.

**Analysis:**

In making an application for an early end to this tenancy the landlord has the burden of proving that there is cause for ending the tenancy early, and by proving that it would be unreasonable or unfair to the landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the Act to take effect.

I accept the Landlord's agent's uncontested affirmed testimony that it is the Tenant who is depicted in the video provided in evidence. I am satisfied that the Landlord has proven that there is cause to end the tenancy under the provisions of Section 56(2)(a)(iv)(B) of the Act and that it would be unreasonable or unfair to other occupants to wait for a one month Notice to End Tenancy for cause to take effect. I find, on the balance of probability, that the Tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property and that it would be unreasonable or unfair to the Landlord or another occupant to wait for a Notice to End Tenancy under Section 47 to take effect.

I hereby provide the Landlord with an Order of Possession effective **6:00 p.m., March 13, 2015.**

**Conclusion:**

I hereby provide the Landlord an Order of Possession **effective 6:00 p.m., March 13, 2015**, for service upon the Tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**I ORDER that the Landlord provide the Tenant with a copy of this Decision when serving him with the enclosed Order.**

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: March 13, 2015

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Residential Tenancy Branch

