



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: ET / OP, FF

Introduction

This hearing concerns the landlord's application for an early end to tenancy / an order of possession / and recovery of the filing fee. Agents (the "landlord") representing the owner / landlord attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that the application for dispute resolution and the notice of hearing (the "hearing package") was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. The Canada Post website informs that the hearing package was "unclaimed by recipient" and that it was later "successfully returned to the sender."

Sections 89 and 90 of the Act address, respectively, **Special rules for certain documents** and **When documents are considered to have been received**. The tenant's failure to claim the hearing package from the Post Office does not nullify the above statutory provisions. In the result, I find that the tenant has been duly served with the landlord's hearing package.

Issue(s) to be Decided

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

Background and Evidence

The unit which is the subject of this dispute is located in the basement portion of a house. The landlord resides in the upstairs portion of the house.

There is no written tenancy agreement in evidence for the tenancy which began August 01, 2014. Monthly rent is \$950.00. Neither a security deposit nor a pet damage deposit was collected.

In the application the landlord claims in part as follows:

The tenant's boyfriend threatened to kill the landlord and his family. The RCMP arrested and charged the offender. His release conditions require he not attend the dispute premises or contact the landlord / family. The offender continues to attend at the dispute premises and intimidate the landlord. The RCMP are attempting to locate and re-arrest the offender for the breach of his conditions. The tenant is also abusive and threatening to the landlord.

Analysis

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

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;
 - (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 documentary evidence and the affirmed / undisputed testimony of the landlord, I find that landlord has met the burden of proving entitlement to an **early end to tenancy** and an **order of possession**. Specifically, I find that the tenant or a person permitted on the property by the tenant has "significantly interfered with or unreasonably disturbed" the landlord, and has "seriously jeopardized the health or safety or a lawful right or interest of the landlord." Additionally, I find that it would be unreasonable and

unfair to the landlord to wait for a notice to end the tenancy under section 47 of the Act to take effect.

As the landlord has succeeded with the main aspect of the application, I find that the landlord has also established entitlement to recovery of the **\$50.00** filing fee. I therefore issue a **monetary order** in favour of the landlord to that effect.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: June 15, 2015

Residential Tenancy Branch

