



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP, FF

Introduction

This hearing was scheduled in response to the landlord's application for an early end to tenancy and an order of possession, in addition to recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that she served the application for dispute resolution and notice of hearing by way of posting to the unit door on June 08, 2015. Despite this, neither tenant appeared. Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants have been duly served in accordance with sections 89 and 90 of the Act which speak, respectively, to **Special rules for certain documents** and **When documents are considered to have been received**.

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 a 2 storey house. The tenants reside in 1 of what are 2 units located in the basement portion of the house. Other renters occupy the upstairs portion of the house. The landlord resides elsewhere.

There is no written tenancy agreement in evidence for this tenancy which began on or about April 01, 2015. Monthly rent of \$800.00 is due and payable in advance on the first day of each month, and a security deposit of \$200.00 was collected.

On June 05, 2015 other renters in the house notified the landlord of disturbances within the unit and Police were contacted. Photographs show broken glass, heavily damaged walls and a door, in addition to a door broken off the freezer portion of the fridge in the unit. The landlord testified that one of the tenants offered his apologies, and that both tenants still continue to reside in the unit. Arising from concerns on the part of other

tenants for their safety, and the landlord's concern for her property, the landlord seeks an early end to tenancy and an order of possession.

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;
 - (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 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 tenants or a person permitted on the property by the tenants have "significantly interfered with or unreasonably disturbed" another occupant or the landlord, have "seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant," and have "put the landlord's property at significant risk." Additionally, I find that it would be unreasonable and unfair to the landlord or other occupants of the residential property 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 aspects of her application, I find that the landlord has also established entitlement to recovery of the **\$50.00** filing fee. In this regard I **ORDER** that the landlord may withhold this amount from the security 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.

I **ORDER** that the landlord may recover the **\$50.00** filing fee by way of withholding that amount from the security deposit.

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: July 07, 2015

Residential Tenancy Branch

