



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Progressive Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This is an application brought by the Landlord requesting an early end the tenancy and an Order of Possession.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Preliminary matter

Before dealing with the application I dealt with the request from PHS to be removed as a respondent.

The representatives for PHS testified that they had given a landlord Notice to End Tenancy in 2011 and therefore were no longer tenants of this rental property; however the landlord testified that he has never received a Notice to End Tenancy from PHS, that he had simply been notified that the rent cheques would be coming directly to him from the ministry rather than through PHS as had previously been done.

Although PHS claim that a Notice to End Tenancy had been sent to the landlord, they had no evidence in support of that claim and therefore it is my finding that there is insufficient evidence to show that the landlord was ever served with the Notice to End Tenancy from PHS, and I therefore will not remove PHS from the respondent list.

Issue(s) to be Decided

The issue is whether or not the landlord has the right to an early end to this tenancy and an Order of Possession.

Background and Evidence

The landlord has provided a significant amount of evidence that shows that this rental property is in extremely poor condition with extensive damages.

The landlord has also provided a significant amount of evidence showing that there have been numerous warnings from the City of Burnaby regarding unsightly premises complaints.

The landlord also testified that every time he visits the rental property he has to be escorted by the RCMP as the tenants are very aggressive and threatening.

The landlord is therefore requesting an early end to this tenancy for as soon as possible and an Order of Possession.

The tenant, LJB, testified that the problem is with the landlord failing to do repairs at the rental property and that the photos taken by the landlord were taken during a major cleanup that they were doing, and therefore are not representative of the actual condition.

The representative for PHS stated that they can't dispute the landlord's claims as to the condition of the property however they are available to assist the tenants living in the rental unit to find alternate housing.

Analysis

It is my finding that the landlords have easily met the burden of proving that the tenants have caused extensive damage to this rental property and are keeping the rental property in very poor condition.

The photo evidence provided by the landlord clearly shows the damage to the property and the excessive amount of belonging/junk stored on the property.

I do not accept the tenants claim that the only reason the property looks in poor condition in the photos is because they were doing a cleanup of the property at the time, as there have been numerous warnings from the City of Burnaby due to unsightly premises complaints.

I therefore allow the landlords request for an early end to this tenancy.

Conclusion

I Order an early end to this tenancy and I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenants.

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: August 17, 2015

Residential Tenancy Branch

