



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kensington Place Manor
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an early end of tenancy and an order for possession. The hearing was conducted by conference call. The landlord attended, but the tenant did not call in and did not participate although he was personally served with the application and Notice of Hearing on September 3, 2015.

Issue(s) to be Decided

Should an order be made to end the tenancy and to grant the landlord an order for possession without the need for issuance of a Notice to End Tenancy?

Background and Evidence

Section 56 (2) of the Act permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property, or 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 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. Section 56 (3) of the Act provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The rental property is an apartment building in Victoria. The tenancy began on August 1, 2015. The landlord's witness, a Victoria police officer testified that since the tenancy began, the rental unit has been the subject of a disproportionate number of police attendances. The police have been called to the rental unit to address disturbances and noise complaints on four occasions and there have been additional police visits for more serious matters, including physical assaults in which the tenant was involved. In an incident on September 2, 2015 the police attended after an assault involving the tenant was reported to the police. Occupants of the building submitted letters of

complaint about the incident; they reported loud disturbances, an assault and the discharge of pepper spray in the common areas of the rental property.

The landlord has provided numerous written complaints from other occupants about noise, loud parties and late night disturbances. The complaints have been ongoing since the tenancy began in August. Commercial tenants have also complained that the parking lot behind the building has been covered with broken glass from liquor bottles thrown from the rental unit.

On August 12, 2015 the tenant signed an agreement that he would move out of the rental unit if there was one more noise complaint. The complaints have continued and the Victoria Police Department has recommended that the tenant be evicted due to the number of police attendances to quell disturbances. The landlord advised me that the tenant has disturbed other occupants with loud all-night parties within the past week and he has not paid rent for the month of October.

Analysis and conclusion

There is overwhelming undisputed evidence that the tenant and his guests have threatened and disturbed other occupants of the rental property and that the police have attended at the rental unit on a number of occasions in response to disturbances from the occupants of the rental unit. The evidence of the landlord has satisfied me that the tenant and his guests, or other occupants of the rental unit have significantly interfered with or unreasonably disturbed other occupants and 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 to take effect. Accordingly I order the tenancy to be at an end effective today, October 7, 2015 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme 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: October 07, 2015

Residential Tenancy Branch

