



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 2 Baker Developments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

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

The applicant(s) testified that respondent M.J.L. was served with notice of the hearing by personal service on October 5, 2015, and respondent O.F.L. was served with notice of the hearing by posting the notice on her door on October 5, 2015; however the respondent(s) did not join the conference call that was set up for the hearing.

It is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not there is sufficient reason to end this tenancy early.

Background and Evidence

The landlord stated that tenancy began on June 1, 2015 with a monthly rent of \$800.00 due on the first of each month.

The landlords further testified that in July of 2015 they started getting complaints of fighting from the respondent's suite which culminated in a large fight during which 911 was called.

The landlords also testified that tenants were given a warning that this behavior would not be tolerated, however they ignored that warning and the fighting continued, disturbing other tenants in the rental property.

The landlords further testified that, since serving the notice, things have gotten out of control. One of the tenants has allowed her boyfriend to move into the rental unit and that boyfriend assaulted both one of the tenants from the dispute suite, and another tenant from another suite in the rental property. The boyfriend was subsequently arrested by the police.

The female landlord testified that she is also a tenant in the rental property and was witness to the assault.

The landlords are therefore requesting an Order of Possession for as soon as possible.

Analysis

I accept the landlord's undisputed testimony that the tenants in this rental property and the tenants invited guest have assaulted tenants at the rental property, and it is my finding therefore that the landlords to have a right to an early end to this tenancy to protect the safety of the other occupants of the rental property.

Section 56 of the Residential Tenancy Act states:

56 (1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

(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;

- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) 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, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 - (v) caused extraordinary damage to the residential property, and
 - (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.

In this case it is my decision that it would be unreasonable and unfair to the landlord and the other occupants of the rental property to wait for a Notice to End Tenancy under section 47.

Conclusion

I order an early end to this tenancy and I have issued an Order of Possession 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: November 09, 2015

Residential Tenancy Branch

