



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

ET

Introduction

This hearing was convened in response to the landlord's Application for Dispute Resolution for an early end to a tenancy and the requisite order of possession.

The hearing was conducted via teleconference and was attended by solely the landlord. The landlord testified he served the tenant with the Notice of Hearing documentation by registered mail for which they provided evidence by way of the registered mail service receipt and tracking number. The landlord testified they provided to the tenant all of the evidence provide to this hearing by way of above registered mail. I accept the tenant was served in accordance with the requirements of the *Residential Tenancy Act (Act)* for the purposes of this hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession without the requirement of one (1) months' notice, pursuant to 56 of the *Act*?

Background and Evidence

The tenancy started September 24, 2015. There is no written tenancy agreement. The payable rent is \$1100.00 per month. The tenant appears to still reside in the rental unit. The undisputed relevant evidence of the landlord in respect to this matter is as follows:

- In mid-October 2015 the tenant physically assaulted the landlord and Police were called. No charges were pressed for lack of evidence; however the landlord provided Police file numbers and fettered police reports obtained under the Freedom of Information Act.
- The landlord testified that in the latter portion of October 2015 they heard a commotion from the tenant's unit and subsequently outside of their house, and upon going outside they viewed a red gas container laying on the property- half spilled. There was a smell of gasoline around the house. Again Police were called and they confirmed the presence of gasoline surrounding the house. The landlord did not view the tenant with the gas can; however there was no other

person about the property at the time. The landlord provided signed statements by the landlord's spouse and their son, in support of these claims.

- The landlord testified they heard a commotion outside in the early hours of the morning in the latter portion of October 2015. They viewed the tenant around the cars on the residential property. In the morning they discovered damage to one of the tenant's cars of a broken and missing side view mirror. The landlord provided a signed statement by another occupant of the property in support of these claims.
- On October 24, 2015 an occupant of the property reported to the landlord that they viewed the respondent tenant nailing 3 plastic bags of dog excrement to their door. The landlord provided a signed statement by the occupant of the property in support of this claim, as well as a photograph of the 3 plastic bags of dog excrement. Nailed to the door.
- The landlord further testified of numerous and continuous episodes of shouting and loud behaviour from the tenant's unit, demanding drugs and threatening harm. In addition the landlord provided photographs of some damage to the unit walls and a door. The landlord also reports the tenant has not paid any monies owing to the landlord to date since moving into the unit.
- The landlord testified that the other occupants of the residential property have vacated in response to the tenant's conduct.

Analysis

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an order of possession without providing a 1 Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy and *that it would unreasonable or unfair to the landlord or other occupants of the residential property to wait for a notice to end the tenancy.*

Based on the evidence submitted, I find the landlord has established the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property, and engaged in conduct that has adversely affected the quiet enjoyment, safety and well-being of another occupant and the landlord. On balance of probabilities, I find the tenant has also placed the landlord's property at significant risk.

I further find, the landlord's evidence satisfies me it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a notice to end tenancy issued under Section 47 to take effect.

I find that the tenancy will end as of this date. The landlord is entitled to an Order of Possession.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This Order must be served on the tenant and may be filed in the Supreme Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: January 04, 2016

Residential Tenancy Branch

