



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      ET

### **Introduction**

This hearing dealt with 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 they served the tenant with the Notice of Hearing package and related documentation by personal service in the presence of a police officer on January 03, 2016. I accept the tenant(s) was served in accordance with Section 89(2) 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 month's notice, pursuant to 56 of the *Act*?

### **Background and Evidence**

The landlord submitted into evidence the following:

- A USB memory 'stick': containing 3 files : 2 photographs of a damaged garage door, and a recording of a message left on the landlord's telephone voicemail on December 24, 2015
- A copy of an incomplete 1 Month Notice to End Tenancy for Landlord's Use form – absent of page 2 of the form.

The landlord claims the tenant has most likely followed through on their repeated threats to damage the rental unit pursuant to their telephone voicemail recording. However, the tenant has refused to allow the landlord to inspect the rental unit pursuant to a written request to do so. The landlord is afraid of the tenant and therefore has not furthered their request to enter. The landlord's evidence of the voicemail was an offensive recording using vulgarity and profanity: informing the landlord, in part, they were going to, "fucking destroy" the landlord's suite, and how they would do it.

*"You fucking nigger, now you're going to be fucking sorry, you watch what I'm going to do to your fucking apartment, I'm going to destroy your apartment. I've*

*done nothing to you, your husband fucking tried to rape my daughter, I've been good tenant to you I've been kind to you. I'm now going to fucking destroy your apartment before I move out god honest because you phoned the cops for nothing. I have a right to be mad you fucking nigger, you stupid fucking whore nigger. You should have fucking waited. Now, I'm going to destroy your whole apartment. I'm going to put holes in everything. You fucking nigger. You fucking (imperceptible) whore nigger, I'm going to wreck your place". - as submitted*

### **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 1Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy and that 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. 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 the landlord.

I also find, that the landlord has established that 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 the landlord is entitled to an Order of Possession, and that the tenancy will end in accordance with my Order.

### **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 18, 2016

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Residential Tenancy Branch