



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET FF

### Introduction

This hearing dealt with the landlord's application for an early end of tenancy and an order of possession. The landlord called in to the teleconference meeting but the tenant did not.

The landlord submitted evidence to establish that the tenant was served with the application for dispute resolution and notice of hearing by registered mail sent on March 16, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on March 21, 2016, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Should the tenancy end early, pursuant to section 56 of the Act?

### Background and Evidence

The rental unit is a condo in a strata complex. The landlord stated that the tenant has been disturbing other tenants by banging on walls, making excessive noise, swearing at neighbours and physically attacking another occupant. The landlord stated that under the strata rules, he could be subject to a \$200.00 fine for each disturbance by the tenant.

The landlord stated that the tenant has been doing excessive damage to the rental unit, including breaking the front door, kicking and punching holes in the walls and clogging up the toilet with "dope bags." The landlord submitted that he believes the tenant's behaviour is drug-related and has been escalating since he served the tenant with notice of this hearing.

### Analysis

I accept the landlord's undisputed evidence that the tenant has been unreasonably disturbing other occupants and causing excessive damage to the landlord's property, and it would be unreasonable to the landlord to wait for a notice to end tenancy under section 47 to take effect. I therefore order the tenancy ended effective today, and I grant the landlord an order of possession.

As the landlord's application was successful, he is entitled to recovery of the \$100.00 filing fee for the cost of this application.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the amount due of \$100.00. This order may be filed in the Small Claims 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: April 06, 2016

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Residential Tenancy Branch