



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 landlords' Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlords; their landlords and legal counsel and a witness.

I note that the original Application for Dispute Resolution was submitted naming the landlord's agents as the landlords. However, during the hearing it was clarified that the actual landlords were KB and SP not ZA and SA. With permission of the applicant's ZA and SA and the landlords KB and SP I have amended this Application to reflect the correct landlords' names.

The landlords' agent testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on June 3, 2016 in accordance with Section 89 and that this service was witnessed by a third party.

Based on the testimony of the landlord's agent, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to an order of possession to end the tenancy early and without notice and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlords submitted the tenancy began on April 1, 2016 for a fixed term tenancy scheduled to end by August 2016 for a monthly rent of \$575.00 due on the 1st of each month with a security deposit of \$300.00 paid.

The landlords submit that during the tenancy the tenant has caused disturbances affecting all of the occupants in the residential property and in particular another tenant in the same rental unit.

The landlords submit that the tenant has been having verbal and physical fights with her guests. Specifically, the co-tenant in the rental unit has submitted a letter as evidence. This letter details various occurrences in the rental unit that let him to believe there had been a physical fight in the unit with some of the tenant's guests.

The co-tenant also submitted that while it has not been proven that it was the tenant or one of her guests he had reported that his laptop has gone missing from his room. However, because there are no sign of a break in, it appears to have been removed by someone with access to the rental unit.

Based on recommendations by the police the co-tenant removed his belongings and has been staying elsewhere for his own safety.

Analysis

Section 56(1) of the *Act* states a landlord may submit an Application for Dispute Resolution to see an order 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 (1 Month Notice to End Tenancy for Cause).

Section 56(2) states the director may grant an order of possession based on such an application if:

- a) The tenant or a person permitted on the residential property by the tenant has:
 - 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. has caused extraordinary damage to the rental unit or residential property; and
- b) It would be unreasonable, or unfair to the landlord or other occupants, to wait for a notice to end the tenancy under Section 47 to take effect.

Based on the undisputed submissions of the landlords and their agents I find the landlords have established they have cause to end the tenancy. I also find, in the absence of any evidence to the contrary, that it would be unreasonable to require the co-tenant to wait for a notice under Section 47 to take effect.

Conclusion

I find the landlords are entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlords may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlords are entitled to monetary compensation pursuant to Section 67 and in the amount of **\$100.00** comprised of the \$100.00 fee paid by the landlords for this application.

I order the landlords may deduct this amount from the security deposit held in the amount of \$100.00 in satisfaction of this claim.

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: June 27, 2016

Residential Tenancy Branch