



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an order ending the tenancy early and an order of possession. Both parties attended the hearing and had an opportunity to be heard.

Issue(s) to be Decided

Is the landlord entitled to requested orders?

Background and Evidence

This tenancy began on October 1, 2015. The rent is \$450.00 per month. The residential property is comprised of six SRO units with two retail units below. On September 10, 2016 the landlord was alerted to the fact that a major bed bug infestation had developed in the building and that the tenant's unit appeared to be ground zero for the problem. The landlord testified that repeated efforts to get the tenant to cooperate with the pest elimination efforts have been unsuccessful, to say the least. The tenant vehemently disputed the landlord's version of events. He testified that his clothes are all in bags but that his biggest problem is getting the mattress and box spring out of the building without spreading bugs all down the hall. The landlord also testified that the tenant is allowing far too many visitors into the building and that the other tenants are becoming annoyed with all the traffic.

Analysis

The landlord has requested an early end to the tenancy and has thereby requested that the normal 1 month notice period for these types of things be abridged due to the urgency of the matter.

Upon hearing the whole story and reviewing the documents submitted by the parties, I find that the landlord has not established that this is a situation that is urgent enough to justify the short notice period allowed by Section 56. I therefore deny the landlord's request for an early termination of the tenancy and an order of possession at this time.

I advised the parties however, that the landlord was free to issue a 1 Month Notice to End Tenancy for Cause and apply again under the provisions of Section 47 for an order of possession. I advised the tenant to immediately take steps to cooperate in every way with the eradication of the bed bugs in his unit and in the building and to comply immediately with all requests about excess traffic to and from his unit. The landlord seeks to maintain a safe, peaceful and clean building for her tenants and she is well within her rights to apply for eviction of those who are not acting in the best interests of other occupants of the building particularly where it involves their physical and psychological well-being.

Conclusion

The landlord's application is dismissed.

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: October 26, 2016

Residential Tenancy Branch