



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application brought by the Landlord requesting an early end to the tenancy, an Order of Possession, and recovery of the filing fee.

The applicant testified that the respondent(s) were personally served with notice of the hearing, by a process server, on October 15, 2016; however the respondent(s) did not join the conference call that was set up for the hearing.

The process server has provided a sworn affidavit of service, and therefore, it is my finding that, the respondent(s) have been properly served with notice of the hearing, and I conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to order an early end to this tenancy and an Order of Possession.

Background and Evidence

The applicant testified that this tenancy began on October 1, 2016 and that, almost immediately, she started getting complaints from neighbors, and since the tenants moved into the rental unit, she has received numerous complaints from the other occupants of the rental property.

The applicant further stated that strata bylaws violations of been documented, along with multiple RCMP visits to the rental unit.

The applicant further stated that on October 11, 2016 several RCMP officers conducted an armed entry into the rental unit, and the RCMP ordered the neighboring tenants to stay in their homes while the investigation took place.

The applicant further stated the other occupants of the rental property have expressed significant concerns for their safety and concerns about the multiple disturbances at the rental property.

The applicant further stated that she has been advised by the RCMP that she should not attend the rental unit without police presence.

The applicant is therefore requesting an order for an early end to this tenancy, as the situation is so extreme that she feels it would be unreasonable to allow the tenancy to continue for the length of time it would take to evict the tenant through a one-month Notice to End Tenancy.

Analysis

An early end to a tenancy is only given in extraordinary circumstances and only when the applicant can show that situation is so extreme that it would not be reasonable to require the normal 1 clear month Notice to End Tenancy.

In this case, it is my finding that the landlord has shown that there are extraordinary circumstances. This tenancy only began on October 1, 2016, and yet by October 11, 2016 there had been numerous disturbances and RCMP visits to the rental property as well as an armed entry by the RCMP into the rental unit.

It is my finding that it's reasonable to expect that the other occupants of the rental property are finding this situation very stressful and are most likely living in fear.

Therefore, due to the unreasonable disturbance caused by these tenants it's my finding that it would not be reasonable to allow this tenancy to continue any longer, and I therefore allow the landlords request for an early end to this tenancy.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 56 of the Residential Tenancy Act I have ordered in early end to this tenancy, and pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession, which is enforceable two days after service on the tenants.

I have issued a Monetary Order pursuant to section 72 of the Residential Tenancy Act in the amount of \$100.00.

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: November 09, 2016

Residential Tenancy Branch