



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord to obtain an order to end this tenancy early and to obtain an order of possession. Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenants were represented by the female tenant (AS). The landlord was represented by their agents.

As both parties were in attendance I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that she had not filed any evidence of her own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issues(s) to be Decided

Is the landlord entitled to orders under section 56 of the *Residential Tenancy Act*?

Background and Evidence

The landlord provided documentary evidence which included, a decision dated May 14, 2019, from a prior hearing which took place on May 10, 2019, to hear the tenant's application to dismiss a notice to end tenancy for cause. The tenant's application was dismissed, and the landlord was granted an order of possession. The landlord was unable to enforce the order as the unit number was not recorded on the order.

The landlord testified that on May 31, 2019, the tenant threatened another tenant with a gun. The police were called, and both tenants were arrested. On June 06, 2019, the fire department conducted an inspection and found the unit to be a fire hazard due to combustible items stored inside the unit. The landlord filed documents and videos into evidence to support his testimony.

The female tenant (AS) who attended the hearing testified that the male tenant had moved out. The landlord agreed that most of the problems with the tenancy arose from the actions of the male tenant. Since the male tenant has moved out, the landlord was agreeable to giving AS more time to move out and requested an order of possession for July 15, 2019

Analysis

Upon careful consideration of the evidence before me I find the landlord has proven that the tenants have engaged in an activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the property.

Next, I have considered whether it would be unreasonable or unfair to the landlord to wait additional time to end this tenancy. I have accepted that the tenants have engaged in activity that has jeopardized the lawful right or interest of the landlord and the other tenants. Based on these conclusions and taking into consideration the landlord has already been granted an order of possession based on a notice to end tenancy for cause but was unable to enforce it due to a typographical omission, I find at this point it would be unreasonable to wait for another notice to end tenancy to take effect. Therefore, I grant the landlord's application to end this tenancy early.

Conclusion

I hereby grant the landlord an order of possession effective **July 15, 2019, at 1:00 p.m.** after it is served upon the Tenants. This Order may be filed with the Supreme Court of British Columbia 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: June 27, 2019

Residential Tenancy Branch