



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

ET

Introduction

This hearing was convened as an expedited matter in response to the landlord's Application for Dispute Resolution dated September 04, 2019 seeking an Order ending the tenancy early and an Order of Possession.

The hearing was conducted via teleconference and was attended by solely the landlord.

I accept the landlord's document and oral evidence that despite the tenant having been served with the application for dispute resolution, notice of hearing and all evidence as submitted to the Branch (the hearing package) by posting the hearing package to the tenant's door or other conspicuous place (above tenant's mailbox) in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given opportunity to be heard, to present evidence and to make submissions. The hearing proceeded on the merits of the landlord's burden to prove their application on balance of probabilities pursuant to requirements of Section 56 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to Section 56 of the Act?

Background and Evidence

In the absence of the tenant the following is undisputed. This tenancy started in 2018. The parties entered into a tenancy agreement in which the tenant is required to pay rent

on the 1st of each month in the amount of \$550.00. The living accommodation is within a motel residential property of which the tenant occupies a unit.

The landlord testified that the tenant's conduct has been an issue in the motel complex for over a year and that they have been tolerant in respect of the tenant's personal challenges; however, lately their conduct has become increasingly disruptive and intrusive and thereby causing stress on the other occupants of the complex. Additionally, the landlord testified the tenant is causing damage to the interior and exterior of their unit. The landlord submitted a series of photo images depicting the exterior front of the unit, the interior and the rear of the residential property. The landlord testified to an image depict an accumulation of items stored in front of the unit which the tenant has brought onto the property. The landlord further provided an image of laundry hung over the television cable wires to the complex. The interior images depict damage to the kitchen area with broken or dismantled appliances, a living room area with strewn garbage and accumulated smoking refuse, as well as the bathroom with a broken toilet and water tank containing refuse.

The landlord testified that moreover the tenant's activities during the night are the more concerning. They testified the tenant brings quantities of bottles onto the property during the hours of 1:00 to 4:00 a.m. resulting in noise and threatening confrontations with other tenants, as well as broken glass in front of other units. In support of this testimony the landlord submitted text message from a neighbouring occupant of the tenant expressing concern about the ongoing early morning disruptions. The landlord testified that other occupants are threatening to vacate due to the tenant's conduct. The landlord testified the tenant has been asked to curtail disturbing other occupants to no avail.

The landlord summarized a situation of the tenant being disruptive in a residential environment which other tenants rely upon to be stable.

Analysis

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an Order of Possession without providing a One Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy; and, that it would be unreasonable or unfair to the landlord or other occupants of the residential property to wait for a Notice to End the tenancy to become effective.

I have reflected upon all the evidence in this matter. On preponderance of the evidence I find the landlord has established the tenant, in the least, is displaying unsettling behaviour and disrupting other occupants of the residential complex. I find the landlord has also provided sufficient evidence that the tenant has caused extraordinary damage to the property, altogether pursuant to Section 56 of the Act,

- 2(a)(i) *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property, and*
- 2(a)v) *caused extraordinary damage to the residential property*

I also find that the circumstances in this matter establish that it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a Notice to End tenancy issued under Section 47 to take effect.

As a result, I find that the tenancy will end. The landlord is entitled to an Order of Possession effective in accordance with my Order.

I grant the landlord an Order of Possession effective **two days after service on the tenant**. This Order must be served on the tenant and, if necessary, may be filed in the Supreme Court and enforced as an Order of that Court.

Conclusion

The landlord's application for an early end to the tenancy is granted.

This Decision is final and binding.

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: September 24, 2019

Residential Tenancy Branch