



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LAMPLIGHTER 1034076 BC LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FFL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for an order to end the tenancy early and receive an order of possession, and to recovery the cost of the filing fee.

Two agents for the landlord LH and LE (agents) attended the hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me. The tenants eventually called into the hearing 12 minutes late and were affirmed. The hearing concluded after 17 minutes.

I accept the agents undisputed testimony that they served tenant PB (tenant) with the Notice of Dispute Resolution Proceeding dated December 10, 2019, the application and the documentary and digital evidence. The agents testified that the digital evidence of all the security footage was provided to the tenants on a thumb drive. Based on the above, I am satisfied that the tenants were served sufficiently in accordance with the Act.

Preliminary and Procedural Matter

The agents confirmed their email address at the outset of the hearing and stated that they understood that the decision and any applicable orders would be emailed to them. As the landlord did not have an email address for the tenants, the decision will be sent by regular mail to the tenants.

Issues to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?
- Is the landlord entitled to the recovery of the cost of the filing fee?

Background and Evidence

A copy of the tenancy agreement was submitted in evidence. A fixed-term tenancy began on January 15, 2019 and is scheduled to revert to a month to month tenancy after January 31, 2020. The tenants paid a security deposit of \$725.00 at the start of the tenancy, which the landlord continues to hold.

The landlords have applied for an order to end the tenancy early based on the tenant breaking into the building through the front door with other friends as the tenant lost their key. Several videos were presented which support that the tenants and others broke the front lock of the building to gain access, and which ultimately made it difficult for other occupants to later leave the building due to the broken lock, which according to the security footage presented, had to be pulled closed hard to close. The tenant confirmed during the hearing that they were on the security footage and that it was their friends who opened the front door without a key. After entering the building with the others involved, the tenant drops food in the security footage and is stumbling in the video before pressing the elevator button and eventually walking away.

I also note that the tenants called into the hearing late once the security footage had already been reviewed and simply confirmed that it was them on the footage. The agents testified that the actions of the tenants and their guests caused over \$600.00 in damage to the front door and caused other tenants to have difficulty leaving the building.

Analysis

Based on the documentary evidence and the testimony provided by the parties during the hearing, and on a balance of probabilities, I find and I am satisfied that the tenant has significantly interfered with and unreasonably disturbed the landlords or other occupants of the residential property. In addition, I find that there is evidence to support that the tenant engaged in illegal activity that has adversely the quiet enjoyment, security, safety and physical well-being of another occupant of the residential property.

I am also satisfied that it would be unreasonable and unfair to the landlords or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*. I find the actions of the tenants to be unreasonable and that there is no room in any tenancy for forcefully breaking a lock into a building and rendering the front access door unusable, which I find is supported by the video footage.

Therefore, pursuant to section 56 of the *Act*, I **grant** the landlord an order of possession for the rental unit effective not later than **two (2) days** after on the tenants. I find the tenancy ended this date, December 19, 2019 pursuant to section 62(3) of the *Act*.

As the landlord's application is successful, I grant the landlord **\$100.00** for the recovery of the cost the filing fee under section 72 of the *Act*. I authorize the landlord to retain \$100.00 from the tenants' \$725.00 security deposit pursuant to sections 38 and 67 of the *Act* in full satisfaction of the recovery of the cost the filing fee. I find the security deposit is now \$625.00 effective immediately pursuant to section 62(3) of the *Act*.

Conclusion

The landlord's application is successful. The tenancy ended this date, December 19, 2019. The landlord is granted an order of possession effective two (2) days after service on the tenants.

This decision will be emailed to the landlord and sent by regular mail to the tenants. The order of possession will be emailed to the landlord for service on the tenant. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: December 19, 2019

Residential Tenancy Branch