



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to an application by the Landlords for an early end to the tenancy and an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Tenants did not attend the hearing. I accept the Landlord’s evidence that Tenant JM was served with two copies of the application, notice of hearing and evidence (the “Hearing Package”) in person on October 29, 2022 in accordance with Section 89 of the Act. Tenant NN was present at the time of service and refused to take it’s Hearing Package. The Landlords were given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement of a basement unit in a house started on September 1, 2022. Rent of \$1,800.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected a security deposit of \$900.00. On October 9, 2022 the Landlord served the Tenants with a one month notice to end tenancy for cause dated October 9, 2022 (the “Notice”). The Landlords and their family reside in the upper part of the house and on 5 dates between September 10 and October 8, 2022 the Tenant has yelled and screamed from the lower unit whenever the children were

about in the Landlord's part of the house. After the first incident the yelling and screaming continuously escalated. The Landlord's children became afraid and were subject to swearing that they had not heard before. The Landlords left their home in fear after the Tenant screamed that "this is your last warning". The Landlord provides video of the most recent incidents. Although the Landlord served the Notice the Landlord seeks an expedited hearing as they have been afraid to return with the Tenants still there. The Tenants did not dispute the Notice and it appears that the Tenants have left the unit however their belongings have yet to be moved out. The Tenants paid no rent for November 2022.

Analysis

Section 56(2)(a)(i) and 56(2)(b) of the Act provides that the director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application, the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property and 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 under section 47 [*landlord's notice: cause*] to take effect. Given the Landlord's undisputed evidence of the Tenant's actions, I find that the Landlord has substantiated that the Tenant's behavior unreasonably disturbed the Landlords. Further considering the Landlord's undisputed evidence, in particular, of these disturbances causing the children's fear and the Landlords' fear of returning to their home, I find that the Landlord has substantiated that in the circumstances it would be unfair for the Landlord to wait for the Notice to take effect. The Landlord is therefore granted an order of possession effective two days after its service on the Tenants.

Conclusion

I grant an Order of Possession to the Landlord effective two days after its service on the Tenants. The Tenants must be served with this **Order of Possession**. Should the

Tenant fail to comply with the order, the order may be filed in 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 Act.

Dated: November 14, 2022

Residential Tenancy Branch