



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes

ET & FF

Introduction

This hearing dealt with an application by the landlord seeking to end this tenancy early pursuant to section 56 of the *Act*. Although the tenant was served with notice of this hearing by registered mail on March 10, 2009 he did not attend the hearing. Pursuant to section 90(a) of the *Act* I deem the tenant as having been served with the documents on the fifth day after they were mailed. I proceeded with the hearing in the tenant's absence.

Issue to be Determined

Has the landlord established the grounds to end this tenancy early pursuant to section 56 of the *Act*?

Background and Evidence

The landlord submitted evidence establishing that this tenancy began on February 1, 2009 for the monthly rent of \$440.00 and a security deposit of \$220.00 paid on February 3, 2009.

The landlord states that there were problems with the tenant and his guests disturbing other occupants almost immediately. The landlord states that the tenant allows other individuals to enter the building at any time of day and night and they cause significant disturbances. The landlord wrote the tenant regarding this problem on February 7, 2009 pointing out that the tenant's guests were disturbing others at night and going out the fire escape and climbing onto scaffolding.

The landlord stated that the problems continued and the tenant was given another letter and a one month Notice to End Tenancy on February 11, 2009. Since then the landlord states that the problems have continued unchecked including some of the following incidents which led the landlord to seek to end this tenancy early:

- February 13, 2009 the landlord observed the tenant in an alley way about to consume illegal drugs;
- February 17, 2009 the tenant was observed allowing individuals into the building from 3:00 a.m. to 4:30 a.m.; and
- March 3 and 7, 2009 windows in tenant's rental unit broken and people climbing on outside scaffolding.

The landlord is seeking an immediate end to this tenancy based on the tenant's continued actions which are unreasonably disturbing other occupants and jeopardizing the landlord's lawful interest in the rental building.

Analysis

Section 56 of the *Act* allows a tenancy to be ended without the service of a one month Notice to End Tenancy pursuant to section 47 of the *Act* if the landlord can establish a breach by the tenant and show that it would be unreasonable and unfair to other occupants or the landlord to wait for the effective date of a one month Notice to End Tenancy.

I am satisfied that the tenant is unreasonably disturbing other occupants as demonstrated by the evidence presented by the landlord. I am also satisfied that the tenant has been warned of the breach of interfering with the quiet enjoyment of other occupants and despite that warning the problems has escalated to the point that the landlord's property has been damaged.

In the absence of any evidence from the tenant I am satisfied on the balance of probabilities that it would be unfair and unreasonable to wait for the effective date of the one month Notice to End Tenancy to take effect.

I grant the landlord's application and grant the landlord an Order of Possession effective **two (2) days** after it has been served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord's application to end this tenancy early has been granted and an Order of Possession has been issued to the landlord. As the landlord's application has been successful I Order that the landlord may recover the \$50.00 filing fee by retaining that sum from the tenant's security deposit.

Dated March 23, 2009.

Dispute Resolution Officer