

Decision

Dispute Codes: ET / OPC, FF

Introduction

This hearing dealt with an application from the landlords for an early end to tenancy and an order of possession, in addition to recovery of the filing fee. The landlords participated in the hearing and gave affirmed testimony. Despite being served with the application for dispute resolution and notice of hearing by way of posting on the tenants' door on January 17, 2010, the tenants did not appear.

Issues to be decided

- Whether the landlords are entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on January 1, 2010. Rent in the amount of \$800.00 is payable in advance on the first day of each month. A security deposit of \$400.00 was collected on December 15, 2009.

The landlords described a variety of concerns arising from the tenancy which include, but are not necessarily limited to, excessive coming and going at all hours by persons permitted in the unit by the tenants, frequent coming and going of vehicular traffic, attendance to the unit by police and police dogs, suspicious odors coming from the unit, and the arrest of one of the tenants. The landlords testified that the above concerns have also upset other residents in the building, some of whom fear for their safety.

Analysis

Section 56 of the Act speaks to **Application for order ending tenancy early**, and provides in part, as follows:

56(1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) 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,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;

(iii) put the landlord's property at significant risk;

Based on the documentary evidence and undisputed testimony of the landlords, I find that the tenants or persons permitted on the property by the tenants, have significantly interfered with or unreasonably disturbed other occupants of the residential property. Accordingly, I find that the landlords are entitled to an early end to tenancy and an order of possession.

As the landlords have succeeded in their application, I also find they are entitled to recover the filing fee. I therefore order that the landlords may withhold \$50.00 from the security deposit for this purpose at the end of tenancy.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlords effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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.

I order that the landlords may recover the filing fee by way of withholding **\$50.00** from the security deposit at the end of tenancy.

DATE: January 22, 2010

Dispute Resolution Officer