



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET, FF

Introduction:

This hearing was convened upon the application of the landlord seeking an early end of this tenancy and recovery of the filing fee paid for this application.

The tenant did not appear at the hearing. The landlord gave evidence that she and a friend served the tenant with the Application for Dispute Resolution by registered mail sent October 19, 2011. I am therefore satisfied that the tenant has been duly deemed served as required by the Act.

The landlord gave evidence under oath.

Issue

Is the landlord entitled to an order ending this tenancy early that is without serving a one month Notice to End Tenancy for cause?

Background and Evidence

The landlord states that the tenant has caused severe damage to the rental unit and will not allow the landlords in to make repairs. In addition the landlord says the tenant has made death threats to him and his family. The landlord says the police have been called on three occasions and have said that the tenant appears to be on crack cocaine. The landlord submitted photographs of the outside of the rental unit showing a great deal of debris on the lawn. The landlord also submitted photographs of his cellular phone showing messages sent to him by the tenant stating in part:

...I wish one day your who family dies u fucking goof I dare u to come here at 9am I will have a knife ready to slice u the fuck up'

...anywhr near me go bk to your own country

...have a restraining order against u plu I wudn't goto jail I'd sit here in my house caz I'm psychotic. Caz u r not allowed to come...

Ur not comin in and if you do I'm gonna be in jail for life for killing u goof lips pretty soon ur gona be toothless goof lips my friends don't like thieves or liars I cud do your job better than U i have the schooling an dthe knowledge

(reproduced as written)

The landlord says the conduct of the tenant and/or her guests have caused his family including the children to be very frightened for their own safety and security in the rental unit.

Analysis

Section 56 of the *Residential Tenancy Act* says that a landlord may make application to end a tenancy early without service of a Notice to End Tenancy when it would be unreasonable and unfair to both the landlord and the other occupants of the residential property to wait for a notice to end tenancy for cause to take effect.

Based on the undisputed evidence of the landlord I find that 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, that they have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. I find that the conduct has frightened the tenants such that they fear for their safety 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.

The landlord may deduct the cost of this proceeding (\$50.00) from the security deposit he holds on the tenant's account.

Conclusion

I will allow the landlord's application to end this tenancy early and grant the landlord an immediate Order of Possession. This Order directs the tenant to vacate the rental unit immediately. If the tenant does not immediately obey this Order the Order may be filed in the Supreme Court 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 *Residential Tenancy Act*.

Dated: October 27, 2011.

Residential Tenancy Branch