



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

Some documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for an early end to the tenancy and an order of possession. The applicant is also requesting recovery of the filing fee.

Background and Evidence

The applicant testified that:

- The building manager and the other tenants in the rental property fear for their safety due to the actions of the tenant or his invited guests.
- The building manager has had his life threatened by one of the tenants invited guests, and as you can see from the witness letters provided, many of the tenants fear for their safety.
- The police have been called at least three times due to the actions of this tenant or his invited guests.
- The tenant has also disabled the smoke detector in his rental unit thereby putting the safety of all the tenants in the property at risk.
- They are therefore requesting an early end to this tenancy and an order of possession for as soon as possible.

The respondent testified that:

- These are all false allegations made by the landlords, as the police have never come to his suite.
- There are no actual police files, there are only complaints filed with the police by the landlords.
- If the building manager's life has been threatened why have no charges been laid.
- He believes the witness letters from other tenants have all been coached by the landlords.
- There is no drug dealing or prostitution going on in his rental unit.
- He thinks all these charges have been fabricated by the landlord to try and get him out of the rental unit.

Analysis

It is my finding that the landlord has provided sufficient evidence to show that the tenant and/or his invited guests pose a significant risk to the safety of the other occupants of the rental property.

I do not accept the tenants claim that the witness letters have been coached by the landlords, and it's obvious from those letters and that there is a great deal of fear amongst the other occupants of the rental property.

Further the tenant did not deny that he has disabled the smoke detector in the rental property, and that too puts the other occupants of the rental property at risk.

Conclusion

I allow the landlords request for an early end to this tenancy and have issued an Order of Possession that is enforceable two days after service on the tenant.

I also order recovery of the \$50.00 filing fee.

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: December 12, 2012.

Residential Tenancy Branch