



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding H + M R\*  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on February 4, 2013 in accordance with Section 89 and that this service was witnessed by a third party.

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to end the tenancy early and obtain an order of possession and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The landlord provided the following documents into evidence:

- A copy of a tenancy agreement signed by the parties on March 10, 2012 for a month to month tenancy beginning on March 10, 2012 for a monthly rent of \$550.00 due on the 1<sup>st</sup> of each month with a security deposit of \$275.00 paid;
- A copy of a 1 Month Notice to End Tenancy for Cause issued by the landlord on November 22, 2012 with an effective vacancy date of December 31, 2012 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and seriously jeopardized the health or safety or lawful right of another occupant or the landlord; and

- A copy of a 1 Month Notice to End Tenancy for Cause issued by the landlord on January 23, 2013 with an effective vacancy date of February 28, 2013 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The landlord testified that reason she is seeking to end the tenancy early is that in October 2012 a guest of the tenants attacked her and that she is banned from the building and restricted by police to not attend the building, yet this person is still let into the property by the tenants.

In addition, the landlord testified there was a stabbing in the rental unit on January 23, 2013 and that since the landlord has issued the second 1 Month Notice to End Tenancy on January 23, 2013 one of the tenants threatened another occupant in the residential property with some broken glass.

### Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
  - 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, or
  - iii. Put the landlord's property at significant risk;
  - iv. engaged in illegal activity that
    - a) Has caused or is likely to cause damage to the landlord's property,
    - b) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
    - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - v. caused extraordinary damage to the rental unit or residential property;
- b) 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 to take effect.

Based on the undisputed testimony of the landlord's agent I find the landlord has sufficient cause to end the tenancy. I also find that even though the tenants have been

warned and issued 2 Notices to End Tenancy for Cause based on all of this behaviour they continue to exhibit behaviour that is dangerous and menacing to the other occupants. I therefore find it is unfair for the other occupants in the residential property to wait until any 1 Month Notice to take effect.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$50.00** comprised of the fee paid by the landlord for this application. I order the landlord may deduct this amount from the security deposit held in the amount of \$275.00 in satisfaction of this claim.

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: February 18, 2013

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Residential Tenancy Branch

