



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

This hearing dealt with an Application for Dispute Resolution by the landlord for an order to end tenancy early and obtain an order of possession.

Both parties appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

I have reviewed the evidence submitted by the parties.

Issues to be Decided

Is the landlord entitled to end tenancy early and obtain an order of possession?

Background and Evidence

The landlord testified they want to end tenancy early and obtain an order of possession as the occupant RR has assaulted the tenant JR, the landlord and another person. The occupants have also unreasonably disturbed the landlord by arguing continuously.

The landlord testified that they entered into a tenancy agreement with JR. The tenancy began on December 1, 2017. Rent in the amount of \$1,000.00. The landlord stated that they never entered into a tenancy agreement with the occupants PS or RR.

The landlord testified that since the tenancy commenced the police have attend on at least three occasions. On January 10, 2018, the occupant RR, assaulted the tenant JR. On January 18, 2018, they personally attended the rental unit and was assaulted by RR. That RR pushed them and was pulling on them.

The landlord testified that since they served the application to end tenancy there was also another male that was assaulted in the rental unit on February 18, 2018. Filed in evidence is a video.

RR testified that the tenant JR, paid the first months rent. RR stated that JR decided not to live in the rental premises and gave it to them.

RR testified that they deny they assaulted anyone. RR stated it was the landlord that tried to push their way into the rental unit.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, I have reviewed the tenancy agreement. PS and RR are not tenants. The tenant JR, no longer resides in the property. Although JR may have allowed their occupants to remain, I find JR had no authority to do so and have breached their obligation under the tenancy agreement and the *Act*

I find the occupants remaining in the rental premises have no legal rights under the *Act*.

Further, the police have attended the premises on several occasions within 6 weeks, which is unreasonable. I have review the voice recording that is very clear; the occupants are yelling and fighting amongst themselves, causing an unreasonable disturbance to the landlord.

Further, I accept the evidence of the landlord over the occupants that the occupant RR assaulted the tenant JR, and the landlord by pushing. The video of February 18, 2018, shows the occupant RR, assaulting another person. The voice recording RR is calling the female occupant derogative names, which escalated the yelling between them. I find

this action would support an early end to tenancy, even if they were to be found tenants, which they are not.

Therefore, I order the occupants to immediately vacate the premise as it would be unfair and prejudicial to the landlord to have them remain on the premises when they have no legal rights to be there.

Therefore, I grant the landlord an order of possession effective immediately. Should the occupants fail to vacate. The landlord may show this decision to the appropriate authority showing that I have found the occupants have no legal rights under the Act, as they are not tenants, they are occupants.

Conclusion

The occupants have no legal authority to remain in the rental unit as the tenant JR has vacated the premises. JR has no authority under the Act to allow the occupants to remain once they have vacated. The landlord is entitled to immediate possession of the rental unit.

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 21, 2018

Residential Tenancy Branch