

INTRODUCTION

- [1] On August 28, 2024 the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* (the "Application") with the Residential Tenancy Office (the "Rental Office") seeking earlier termination of the tenancy agreement. The Landlord taped the Application to the Unit's door. The particulars of the Application state:

*"Numerous police visits, ending with a violent police raid. Ending in tenants son to be arrested with attempted murder and drug charges.
Apartment is destroyed and uninhabitable.
Numerous noise complaints."*

- [2] On September 9, 2024 the Rental Office mailed the parties notice of a teleconference hearing scheduled for September 17, 2024 at 11:00 a.m., along with a copy of the Application. The Rental Office also emailed the Landlord a copy of the notice of hearing and the Landlord taped a copy of this document to the Unit's door.
- [3] On September 13, 2024 the Rental Office emailed the Landlord the evidence package (the "Evidence Package"). The Landlord taped a copy of the Evidence Package to the Unit's door.
- [4] On September 17, 2024 at 11:00 a.m. a teleconference hearing was held before the Residential Tenancy Officer (the "Officer"). The Landlord joined the teleconference at the beginning of the hearing but the Tenant did not join. The Officer telephoned the Tenant's telephone number but was unable to reach the Tenant. At 11:15 a.m. the Officer proceeded with the hearing in the absence of the Tenant.

ISSUE

Should the tenancy agreement be terminated early?

SUMMARY OF EVIDENCE

- [5] The Landlord's evidence is summarized as follows.
- [6] The Unit has two-bedrooms, one-bathroom and is located in a triplex building (the "Residential Property") that the Landlord has operated for over 15 years.
- [7] Approximately ten years ago the Landlord and the Tenant entered into a written, month-to-month tenancy agreement. Rent in the amount of \$680.00 is due on the first day of the month. A security deposit was not required.
- [8] The Landlord provided evidence regarding numerous municipal police visits to the Unit and a letter dated September 11, 2024 from the police. The Landlord submitted into evidence 26 photographs taken by the Landlord showing the condition of the Unit as of August 19, 2024.
- [9] The Landlord stated that the Tenant has been moving some personal property out of the Unit. The Tenant has not paid rent for September 2024.
- [10] The Tenant did not participate in the Rental Office hearing or provide documentary evidence disputing the Notice.

ANALYSIS AND CONCLUSION

- [11] The Landlord seeks earlier termination of the tenancy agreement pursuant to subsections 61(7) and (8) of the *Residential Tenancy Act*, which state:

(7) *Despite subsection (3), a landlord who wishes to give notice of termination under subsection (1) may make an application to the Director to request an order*

(a) ending a tenancy on a date that is earlier than the tenancy would end if the notice of termination were given under subsection (1); and

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

(8) *The Director shall grant an application under subsection (7) only if the Director is satisfied that*

(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,

(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 unreasonable damage to the residential property, or

(vi) frustrated the tenancy agreement; and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice of termination under subsection (1) to take effect.

[12] The Officer has reviewed the Landlord's undisputed evidence and is satisfied that earlier termination of the tenancy agreement is appropriate. The evidence presented establishes that the large volume of belongings that were stored in the Unit put the Landlord's property at significant risk. The Landlord's undisputed evidence also establishes that unreasonable damage has occurred to the Unit.

[13] In this case the Tenant did not provide evidence disputing the Application. The Officer is satisfied on the evidence presented that it would be unreasonable and unfair to wait for the date a notice of termination would have taken effect.

[14] The Application is valid and the Tenant and all occupants must vacate the Unit by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties shall terminate effective **5:00 p.m. on September 25, 2024**. The Tenant and all occupants must vacate the Unit by this time and date.
2. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.

DATED at Charlottetown, Prince Edward Island, this 18th day of September, 2024.

(sgd.) Andrew Cudmore

Andrew Cudmore

Residential Tenancy Officer

NOTICE

Right to Appeal

This Order can be appealed to the Island Regulatory and Appeals Commission (the "Commission") by serving a Notice of Appeal with the Commission and every party to this Order within **7 days of this Order**. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.

Filing with the Court

If no appeal has been made within the noted timelines, this Order can be filed with the Supreme Court of Prince Edward Island and enforced as if it were an order of the Court.