



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **Decision**

### **Dispute Codes:**

ET

### **Introduction**

This Dispute Resolution hearing was convened to deal with the landlord's application seeking an order to end the tenancy early without notice to the tenant.

The landlord appeared and gave testimony that the tenant was served with the Notice of hearing by posting it on the tenant's door April 13, 2011 which is deemed to be served in three days under the Act. Despite being properly served, the tenant did not appear.

### **Issue(s) to be Decided**

Is the landlord entitled to end the tenancy without notice under section 56 of the Act?

### **Background and Evidence**

The tenancy began on December 1, 2006 and the current rent is \$611.00. A security deposit of \$295.00 was paid. Submitted into evidence by the landlord was a copy of the tenancy agreement, a written chronology and witness testimony about an incident that occurred on April 9, 2011, in which the tenant was discovered to have entered another rental unit in the complex by forcing open a window. The landlord testified that police were contacted, attended the scene and assigned a police investigation report file number. The landlord testified that the witness observed that the tenant was engaging in bizarre commentary and it was believed that he may have been under the influence of a substance at the time. The landlord testified that the details of the police investigation could not be obtained, however the conduct of this tenant has created a climate of fear throughout the complex. The landlord testified that the tenant's inappropriate behaviour escalated further after the incident in question. The tenant later began tampering with electronic security systems in his unit and disconnected some wiring which then caused an alarm to be sent to the local fire department who initiated an emergency response to the site. According to the landlord, the tenant was later arrested and detained by police, evidently for making threats of violence against someone. The landlord is of the opinion that the circumstances involved in this dispute

meet the criteria that would warrant terminating this tenancy without notice under section 56 of the Act and the landlord is seeking an immediate Order of Possession under section 56. The landlord pointed out that it would be unreasonable and unfair to the landlord and other residents in the complex to wait for a One-Month Notice to End Tenancy for Cause to take effect. .

### **Analysis**

Section 56 of the Residential Tenancy Act provides that a landlord may make an application for dispute resolution to request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and granting the landlord an order of possession in respect of the rental unit.

Before issuing an Order ending the Tenancy under section 56 a Dispute Resolution Officer must be satisfied under section 56(2) that both of the following has been proven:  
a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;

Has engaged in illegal activity that:

- has caused or is likely to cause damage to the landlord's property,
- 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
- has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property, **and**

(b) 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.

Based on the testimony of the landlord and the evidence, I find that this situation does satisfy the criteria specified in section 56(2)(a) of the Act. Because of the nature of the

conduct in question, I find that the circumstances also meet the second threshold under 56(2)(b) and I find 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. I find that the landlord and other residents have been placed at risk by the actions of the tenant and the situation therefore needs to be resolved without further delay.

### **Conclusion**

Accordingly, I hereby order that this tenancy is ended and I grant the Landlord an immediate Order of Possession. This order must be served on the Respondent and 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: April 2011.

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Residential Tenancy Branch