



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 application and Notice of Hearing on September 14, 2012 by posting it on the door. This is deemed to be served in three days under the Act. The landlord stated that the tenant has recently been incarcerated.

However, according to the landlord, the tenant was made aware of the fact that an application for dispute resolution was submitted and a hearing was scheduled. Despite being properly served, the tenant did not appear.

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

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

### **Background and Evidence**

The tenancy began on February 15, 2012 with rent set at \$750.00 and a security deposit of \$375.00 was paid. Submitted into evidence by the landlord was a written description of concerns about the conduct of the tenant and the security of the other residents.

The landlord testified that one of the co-tenants had been arrested and is no longer residing in the unit. The landlord testified that the second co-tenant was also removed by police and the landlord became aware that improperly stored guns were kept on the premises and that the tenants had brought stolen property into the rental unit.

The landlord is seeking an immediate Order of Possession without Notice under section 56, because the landlord feels that the property and other residents are at risk, and contends the delay in enforcing a Notice for Cause would be unreasonable and unfair to the landlord and other residents in the complex.

## **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 otherwise end if the landlord gave a One Month Notice to End Tenancy for Cause under section 47, and made an application under that section for an order of possession of the rental unit.

Before issuing an Order ending the Tenancy without notice, 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 agree that 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 are at risk and the situation needs to be addressed in an urgent manner without further delay.

With respect to the likelihood that the tenant's personal property will be abandoned given the circumstances, I refer the landlord to Part 5 of the Residential Tenancy Regulations that deals with that a landlord's obligations relating to that particular issue.

### **Conclusion**

Accordingly, I hereby order that this tenancy is ended and I grant the Landlord an 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.

The landlord is entitled to retain \$50.00 to reimburse for the filing fee from the tenant's security deposit, the remainder of which should be administered according to section 38 of the Act.

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: September 26, 2012.

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Residential Tenancy Branch