



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This is an application filed by the Landlord for an early end to the tenancy and to obtain an order of possession. The Landlord also seeks a monetary order for the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was personally served with the notice of hearing package on June 22, 2013 at the rental property. I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the notice of hearing package in person on June 22, 2013.

### Issue(s) to be Decided

Is the Landlord entitled to an early end of tenancy?

### Background and Evidence

The Landlord seeks an early end to the tenancy and to obtain an order of possession earlier than the tenancy would end if a notice to end tenancy under section 47 was given.

The Landlord states that the safety of the property is at risk because of fire damage caused by the Tenant.

The Landlord states that she received verbal notification that the Tenant's children caused a fire on the back building putting the rental property at significant risk. The Landlord relies on a Building Damage Report that states that fire damage of "total loss of back buildings" occurred on May 11, 2013. The Landlord also relies on an invoice

from the City of Surrey dated May 14, 2013 for a bill for a fire investigation on May 11, 2013.

The Landlord also states that the Tenant is responsible for various by-law infractions which would result in fines from the city.

### Analysis

Section 56 of the Residential Tenancy Act states,

#### **Application for order ending tenancy early**

**56 (1) A landlord may make an application for dispute resolution to request an order**

**(a) 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***

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

**(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,**

**(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:**

**(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 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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

I find that the Landlord has failed to provide sufficient evidence to satisfy me that the Tenant or person permitted on the residential property by the tenant has caused extraordinary damage to the residential property. The Landlord has failed to provide sufficient evidence to show that the fire was caused by the Tenant or a person permitted on the property.

As for the Landlord's claim that the Tenant has failed to comply with an order by the city of surrey for vehicle storage on the property, the Landlord has failed to establish how this would fall under section 56 instead of section 47 following a 1 month notice to end tenancy issued for cause. The Landlord has failed in her application.

### Conclusion

The Landlord's Application for an early end to the tenancy is denied.

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: July 10, 2013

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Residential Tenancy Branch

