



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

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

Although served with the Application for Dispute Resolution and Notice of Hearing by posting to the door of the rental unit on July 11, 2013, which was witness by a third party. Filed in evidence is a photograph of the Notice of Hearing package posted to the door. The tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

### Issue(s) to be Decided

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

### Background and Evidence

The landlord testified they are seeking to end tenancy early and obtain an order of possession as the tenant has seriously jeopardized the landlords' safety and property.

The landlord testified on July 11, 2013, the tenant set fire to his neighbors' car and attempted to set fire to the landlords' fence. The landlord stated the tenant also cause other damage by smashing light fixtures in the common area. Filed in evidence is a photograph of an extinguish fire along a fence. Filed in evidence is a photograph of smashed out lights.

The landlord testified that they were able to quickly extinguish the fire along the fence, before cause damaging. The landlord stated that the police attended to the rental property and the tenant was arrested and has been charged criminally with arson. The landlord stated they have not seen the tenant since the incident and believe that she

may still be in jail or in a hospital for mental health issues. The landlord stated they are concerned for the safety of their family, should the tenancy continue.

### 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, the undisputed testimony of the landlord was on July 11, 2013, the tenant was arrested and charged with arson, for setting fire to a car that belong to the landlords' neighbour and attempting to set fire to the landlords' fence. The evidence was the tenant also cause damage when she the smashed the light fixtures in the common area.

Based on the undisputed testimony of the landlord, I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. In this case, the tenant has been charged with arson of property that belongs to the landlords' neighbour and the landlords'. The evidence of the landlord was that they are fearful that due to the incident of arson that their family is at significant risk, should the tenancy be allowed to continue.

I find that the action of arson to be extremely serious and this action could have serious jeopardize the health and safety of the landlords and could have caused extraordinary damage to the landlords' property had the fire not been quickly extinguished. I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the landlords' application to end this tenancy early.

Therefore, I grant the landlords an order of possession effective **two (2) days** after it is served upon the tenant. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

As the landlords have been successful with their application the landlords are entitled to recover the cost of filing their application from the tenant in the amount of \$50.00. I grant the landlords a monetary order for this amount. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

### Conclusion

The landlords' application to end this tenancy early pursuant to section 56 of the *Act* is granted.

The landlords are granted an order of possession and a monetary order in the above amount.

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 29, 2013

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Residential Tenancy Branch

