



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET and FF

### Introduction

This application was brought by landlord on July 9, 2013 seeking an Order of Possession to end the tenancy early under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires a Notice to End Tenancy effective on date that is a minimum of one month following service.

The tenants did not call in to the number provided to enable their participation in the telephone conference call hearing which proceeded in his absence.

### Issue(s) to be Decided

Are the circumstances which have caused the landlord to seek an end to the tenancy of sufficient urgency to warrant the issuance of an Order of Possession under the more stringent requirements of section 56 of the *Act*?

### Background and Evidence

This tenancy began on May 1, 2013. Rent is \$1,300 per month and the landlord holds a security deposit of \$600.

During the hearing, a Constable with the Vancouver Police Department gave evidence that:

1. On July 8, 2013, the male tenant returned to the rental unit and become involved in a dispute with the female tenant and another party who fled the rental unit and took refuge in a parked vehicle;
2. The male tenant followed brandishing an axe, leading neighbours to call police. In attempting to gain control of the male tenant, police were forced to use a bean bag weapon;
3. The male tenant went in to the rental unit and assembled some of the female tenants clothing and other belonging and set them on fire.
4. The male tenant has been charged with arson, and has breached a no contact order;
5. The female tenant has relinquished her interest in the rental unit which she has vacated in the interest of her personal safety;
6. The rental unit was the subject of 18 police calls in the previous month.

### Analysis

Section 56(2)(a)(iv) of the *Act* authorize the director's designate to issue an Order of Possession in circumstances in which a tenant has engaged in illegal activity that has:

- A. caused or is likely to cause damage to the landlord's property;
- B. 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;

On the evidence before me, I find no question that the landlord is entitled to an immediate Order of Possession under the provisions section 56 of the *Act* and issue such order to take effect at 3 p.m. today, July 24, 2013.

The landlord remains at liberty to make application for damage to the rental unit.

The landlord is authorized to retain \$50 from the tenants' security deposit to recover the filing fee for his proceeding.

### Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 3 p.m. on July 24, 2013.

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*.

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Dated: July 24, 2013

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Residential Tenancy Branch

