



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLETTCHELL PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

ET, FF

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 in person on July 31, 2013. 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 in 2011 and the current rent is \$625.00.

The landlord testified that they had previously obtained an Order of Possession for unpaid rent, but had since reinstated the tenancy.

The landlord testified that the tenant and his guests have repeatedly disturbed other residents and the situation had recently escalated to the point where police had attended four times within a two-day period on July 26 and 27, 2013.

The landlord testified that the tenant's associates had used the controlled entry intercom to bother renters in other units late at night. According to the landlord, a person seeking the tenant had vandalized the landlord's property by attempting to burn the intercom buttons, which required repairs. The landlord testified that when they made an inspection of the tenant's suite they found excessive damage and were also concerned by the tenant's display of a hunting knife left in full view on the table top.

Submitted into evidence by the landlord were copies of communications, a copy of the tenancy agreement , copies of complaints and warning letters addressed to the tenant.

The landlord is seeking an Order of Possession to terminate this tenancy without Notice.

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.

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 a One Month Notice to End Tenancy for Cause was given under section 47.

Before issuing an Order ending the tenancy without Notice, under this section, an Arbitrator must be satisfied that the applicant has sufficiently 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 also that:

(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 submitted, I find that this situation does satisfy the criteria specified in section 56(2)(a) of the Act excerpted above.

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.

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.

I find that the landlord is not entitled to the cost of the application.

Conclusion

The landlord is successful in the application and is granted an Order of Possession.

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: August 19, 2013

Residential Tenancy Branch