



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with a landlord's application for an early end of tenancy and Order of Possession under section 56 of the Act. The tenant did not appear at the hearing. The landlord testified that the hearing documents were posted to the entry of the rental unit on September 23, 2013. I was satisfied the landlord served the tenant in a manner that complies with the Act and I continued to hear from the landlord without the tenant present.

Issue(s) to be Decided

Has the landlord established an entitlement to an early end of tenancy and Order of Possession under section 56 of the Act?

Background and Evidence

The landlord is seeking an early end of tenancy and Order of Possession based upon the events that took place on September 21, 2013. On that date the tenant had started a fire and threatened firefighters with a knife. The police responded and a lengthy standoff ensued at the property. After several hours, the police breached the entry of the unit by breaking windows and doors, deploying tear gas, and using rubber bullets to apprehend the tenant.

The landlord submitted that significant damage was caused to the property when police broke through the window and door. Further, interior doors were smashed and the inside of the unit is covered in tear gas residue.

In addition to significant damage, the landlord submitted that the tenant's actions seriously jeopardized the health and safety of other occupants residing at the building as well as unreasonably disturbing their quiet enjoyment of the property.

In support of the landlord's submissions, the landlord provided a police case file number and a copy of newspaper articles describing the scene and events of September 21, 2013.

Analysis

Section 56(2) of the Act permits an Arbitrator to make an order to end the tenancy on a date that is earlier than the effective date on a 1 Month Notice to End Tenancy for Cause had one been issued. In order to grant an order to end the tenancy early I must be satisfied that:

- (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.

[my emphasis added]

The landlord bears the burden to prove the tenant has acted in such a way as to warrant an order to end the tenancy earlier than by way of a 1 Month Notice. The burden is high as this provision is intended to apply in the most severe circumstances.

Based upon the evidence provided to me, I am satisfied that on September 21, 2013 the tenant acted in such a way as to warrant an end to this tenancy for cause and that it would be unreasonable to wait for a 1 Month Notice to take effect given the severity of

the circumstances. Therefore, I order that this tenancy comes to an end two (2) days after the Order of Possession provided to the landlord with this decision is received by the tenant.

I authorize and order the landlord to serve the Order of Possession upon the tenant by posting it on the door of the rental unit. I further order that the Order of Possession shall be deemed to be received by the tenant three days after posting.

The landlord is authorized to recover the filing fee paid for this application by deducting \$50.00 from the tenant's security deposit.

Conclusion

The landlord's request for an early end of tenancy and an Order of Possession has been granted. The tenancy shall end two days after the tenant receives the Order of Possession provided to the landlord with this decision. The landlord has been authorized and ordered to serve the tenant with the Order of Possession by posting it to the entry of the rental unit. I further order that the tenant is deemed to receive the Order of Possession three (3) days after it is posted.

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: October 02, 2013

Residential Tenancy Branch

