



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and for an early end to the tenancy.

The Landlord said he served the Tenants with the Application and Notice of Hearing (the “hearing package”) by personal delivery on July 4, 2014. Based on the evidence of the Landlords, I find that the Tenants were served with the Landlords’ hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants’ absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy early?

Background and Evidence

This tenancy started on May 1, 2014 as a fixed term tenancy with an expiry date of April 30, 2015. Rent is \$1,050.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of \$525.00 on May 1, 2014.

The Landlord said they issued a 1 Month Notice to End Tenancy for Cause with and effective vacancy date of July 31, 2014, but they now believe their rental unit is at significant risk of fire so they have applied for an early end to tenancy.

The Landlord continued to say they have had at least 6 written complaints from the strata council and the strata manager about the Tenants. As a result the Landlord did an inspection of the unit on June 25, 2014 with the RCMP. The Landlord said on that inspection they found the Tenants have changed the locks and have not provided the Landlord with keys to the unit and the Landlord said the Tenants are smoking crack cocaine with butane torches. The Landlord continued to say the Tenants are using butane torches in the rental unit and this is of real concern to him as the Tenants have dismantled the smoke detectors in the unit and the Landlord is concerned a fire may happen and there will be no alarm system. The Landlord said the Tenants have created a safety risk that is unacceptable to the Landlords’ unit and to the other strata units in

the complex. To support the Landlord's claim the Landlord provided a signed written document from Constable M. L. of the RCMP confirming the Tenants are using butane torches to smoke crack cocaine. The RCMP letter is dated June 26, 2014 and makes reference to the rental unit inspection of June 25, 2014. The Landlord said he is requesting an Order of Possession for as soon as possible.

Analysis

Section 56 of the Act says a Landlord may make an application to request an order to end a tenancy early if the Tenant significantly interfered with or unreasonable disturbs other occupants or the landlord, seriously jeopardizes the health or safety of other occupants or the landlord, put the landlord property at significant risk, jeopardizes the lawful right of other occupants, caused extraordinary damage to the property or that it would be unreasonable or unfair for a landlord or other occupant to wait for a notice to end tenancy.

It is apparent from the testimony and evidence that there are issues between the Tenant and the Landlord. Section 56 of the Act uses language which is written very strongly and it's written that way for a reason. A person cannot be evicted simply because another occupant has been disturbed or interfered with, they must have been **unreasonably** disturbed, or **seriously** interfered with. Similarly the landlord must show that a tenant has **seriously** jeopardized the health or safety or lawful right or interest of the landlord or another occupant, or put the landlord's property at **significant** risk. Or that it would be **unfair** for a landlord or other occupant to wait for a notice to end tenancy.

In this case the Landlord has provided affirmed testimony and written evidence that the Tenants have put the rental unit and the strata complex at risk of fire by dismantling the smoke detectors and using butane torches in the rental unit. I accept the Landlord's testimony and the RCMP written evidence that there is a fire hazard that has been created by the Tenants that it has reached the level of **unreasonableness, significance or seriousness as defined by section 56 of the Act**. As well it would be **unfair** to require the Landlord to wait for the effective vacancy date on the 1 Month Notice to End Tenancy for Cause as a fire could happen at any time. I award the Landlords an Order of Possession effective 2 days after service of the Order on the Tenants.

Conclusion

The Landlord's application for an early end to tenancy is granted.

I find, pursuant to section 56 of the Act, that the landlords are entitled to an Order of Possession effective **two days after service** on the tenants and the Order may be filed in the Supreme Court and enforced as an Order of that Court.

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 21, 2014

Residential Tenancy Branch