



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0996443 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

ET, FF

### **Introduction**

This hearing was convened in response to an application by the landlord dated June 23, 2014 to obtain an Order of Possession ending the tenancy earlier than if Notice to End the tenancy were given under Section 47 of the *Residential Tenancy Act* (the Act) – *Landlord's 1 Month Notice for Cause*.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend. However, it must be noted that the brother of the tenant attended the conference call at the landlord's request; although they made it known they had no authority from their brother to neither act on their behalf or present nor respond to any of the evidence. As a result, anything provided by them has not been considered nor factored into this Decision.

The landlord provided that they served the tenant with the Notice of Hearing documentation by leaving it posted to the door of the rental unit on June 24, 2014 and subsequently provided the tenant their document evidence. I accept the tenant was served in accordance with the requirements of the *Residential Tenancy Act* (Act) for the purposes of this hearing.

### **Issues(s) to be Decided**

The issue to be decided is whether the landlord is entitled to an order of possession for cause without the requirement of one month's notice, pursuant to Section 56 of the Act.

### **Background and Evidence**

The landlord submitted into evidence the following relevant documents:

- A copy of a 1 Month Notice to End Tenancy for Cause dated June 24, 2014, with an effective date of July 31, 2014 (automatically adjusted) and posted to the tenant's door on the same date by the landlord and resident manager.

- A series of photographs depicting the interior of the rental unit and carpet staining outside the rental unit and adjacent hallway.
- A series of e-mail correspondence between the landlord and the resident manager between June 20 – 25, 2014 respecting complaints from other tenants and “dumping” bleach on the hallway carpeting. The same series of e-mails described a Police attendance in the early a.m. of June 21, 2014 outside the residential property, at which time the tenant was removed by police. The resident manager described that the tenant told them they had left their oven on. Along with Police the resident manager entered the suite at 5:30 a.m. and found the tenant’s “stove was full on over heating”, “with the oven and elements all on, and a full tank of propane inside the suite”, “took the tank outside”. Police attended to the stove, “it appeared to me that all or some of the elements, oven and broiler were on”, Police, “turned off everything on the stove and opened the door to dissipate the heat”. A subsequent e-mail stating that in conversation with Police they confirmed they entered the suite with the tenant’s permission, “with regard to an open stove and the discovery of the propane tank in the middle of the suite”.
- A copy of an RCMP Police card bearing the Police incident file number for the incident of June 21, 2014.
- A series of letters from other occupants of the residential property dated June 01 – 24, 2014 complaining of loud noises from the tenant and the tenant’s unit in the early hours of the morning – after midnight onward, as well as other historical complaints regarding the tenant’s drinking reportedly to excess and behaving inappropriately while on the residential property.
- A copy of an e-mail dated June 25, 2014 stating that in early morning, “water from (the tenant’s) 2<sup>nd</sup> floor suite was found to be dripping onto the 1<sup>st</sup> floor lobby”. The landlord testified that the tenant had apparently left the water running for 1 1/2 hours, flooding the 2<sup>nd</sup> floor hallway and lobby beneath. Police and ambulance were called and tenant was taken to hospital. The tenant was injured after slipping and falling in their tub.

The landlord testified that they and other occupants of the property are fearful of the tenant returning from hospital to the rental unit because of the tenant’s propensity to engage in similar conduct as provided in this matter.

### **Analysis**

**Section 56** of the *Act* allows a landlord to request an end to a tenancy and for an Order of Possession without providing a 1 Month Notice to End Tenancy for Cause under **Section 47** of the *Act*, if the landlord has cause to end the tenancy; and, that it would

unreasonable or unfair to the landlord or other occupants of the residential property to wait for a Notice for Cause to end the tenancy.

On preponderance of all the evidence submitted, I find the landlord has established the tenant has: **Section 47**, *put the landlord's property at significant risk, and seriously jeopardized the health or safety of another occupant or the landlord.*

I find that the landlord has also established that: **Section 56(2)(b)**, *it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a notice to end tenancy issued under Section 47 to take effect.*

### **Conclusion**

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This Order must be served on the tenant and may be filed in the Supreme Court and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

*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 09, 2014

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Residential Tenancy Branch

