



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

ET

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 on August 11, 2014 by posting it on the door. This is deemed to be served in three days under the Act. 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 April 2013. The unit is located in a basement suite, above which there is an upper suite occupied by another renter. The occupant of the upper suite attended the hearing assisting the landlord as an agent.

The landlord testified that on April 30, 2014, the tenant created a hazardous situation by turning on the gas in the unit. The resident above, who is acting as agent for the landlord, testified that she smelled gas and had to leave her rental unit, at which time she contacted the gas utility company to report the situation. The agent stated that she went to the door of the lower suite to contact the tenant and was told by the tenant's daughter that her mother was trying to commit suicide. The daughter then swore at the agent and slammed the door shut.

According to the landlord's agent, the police and fire departments arrived to make sure that the risks were addressed. The police proceeded to take the tenant's daughter into custody on an unrelated matter.

The landlord feels that it is urgent that the tenancy be ended as they suspect that the tenant has a high potential of placing the landlord's property and the other renter in the upper unit in grave danger.

The landlord is seeking an immediate Order of Possession without Notice under section 56, because the landlord contends the delay in enforcing a Notice for Cause would be unreasonable and unfair to the landlord and other residents in the complex.

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 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 are at risk and the situation needs to be addressed in an urgent manner without further delay.

Accordingly, I hereby order that this tenancy is ended and I grant the Landlord an 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.

Conclusion

The landlord is successful in the application and is granted an Order of Possession terminating the tenancy early under section 56 of the Act.

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 20, 2014

Residential Tenancy Branch

