



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

ET FF

### Introduction

This hearing dealt with the landlord's application for an early end of tenancy. The landlord participated in the teleconference call hearing but the tenant did not.

The landlord stated that he personally served the tenant with the application for dispute resolution and notice of hearing on March 9, 2015. I accepted the landlord's testimony regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Should the tenancy be ended early, pursuant to section 56 of the Act?

### Background and Evidence

The rental unit is a basement suite in a house that contains two other rental units occupied by other occupants.

The landlord provided photographs, testimony and witness statements from the other occupants to show that the tenant has been seriously jeopardizing the health, safety or lawful right or interest of the other occupants and putting the landlord's property at significant risk.

The tenant has broken a water line for her toilet and the landlord has not been able to fix it, so there is a constant leak coming into one of the other units. The tenant has damaged drywall in her unit so that electrical wires are exposed and pose a fire hazard, and sanitary and water pipes are exposed. Some of the drywall damage has created holes that break through to the other units and the tenant has been pushing items including broken glass through the holes. The elements on the stove are missing, and the landlord stated that it appears that the tenant has been burning something on it. The other occupants have witnessed the tenant lighting paper on fire in the back yard and waving it around, and the landlord has discovered prescription drugs scattered in the back yard. The other occupants fear for their safety and the

safety of their children. The tenant's behaviour has been ongoing. The landlord stated that his biggest concern is the safety of the other occupants on the property.

### Analysis

I accept the landlord's substantial, clear evidence that the tenant has been seriously jeopardizing the health, safety or lawful right or interest of the other occupants and putting the landlord's property at significant risk. I also find that as tenant's behaviour is destructive and dangerous and has been ongoing, it would be unreasonable to the landlord or the other occupants of the property to wait for a notice to end tenancy for cause to take effect.

Under section 56 of the Act, I order the tenancy ended immediately, and I grant the landlord an order of possession.

As the landlord's application was successful, he is entitled to recovery of the filing fee for the cost of his application.

### Conclusion

Under section 56 of the Act, I order the tenancy ended immediately.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord may retain \$50 from the security deposit, representing the filing fee for the cost of his application. The landlord continues to hold the balance of the deposit in trust, and it must be dealt with in accordance with 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: March 19, 2015

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Residential Tenancy Branch