



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LLA INVESTMENTS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession on an Early End to Tenancy.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*; served by registered mail on July 03, 2015. Canada Post tracking numbers were provided by the landlord's agent in sworn testimony. The landlord's agent also testified that the tenant was served in person. The tenant was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord's agent appeared, gave sworn testimony, were provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

Is the landlord entitled to end the tenancy early and gain an Order of Possession on the basis of this application pursuant to section 56 of the *Act*?

Background and Evidence

The landlord's agent (the landlord) testified that this month to month tenancy started on August 15, 2010. Rent for this unit is \$600.00 per month due on the 1st of each month.

The landlord testified that the tenant is involved in illegal drugs and is a known drug user. Due to the amount of illegal drugs the tenant takes each day the tenant has little knowledge of what is happening around him. The tenant nearly caused a fire by putting plastic dishes in his oven. The fire services were called to the unit and they issued an Order to remove the tenant's stove due to the tenant's misuse. This Order has been provided in documentary evidence and states that the stove must not be put back into the unit until the tenant can show he can use it responsibly. The landlord testified that the tenant's smoke detectors went off 12 times in one day which resulted in 12 visits from emergency services. The tenant has also removed some detectors from his unit. This endangers the building and the safety of other tenants. The landlord testified that the tenant was sent two warning letters one on May 12, 2015 concerning the drug use and smoke detectors and the second on May 25, 2015 for the same issues.

The landlord testified that the building is at risk from the tenant and the other tenants' residing there have signed a petition asking the landlord to remove the tenant or they may have to leave their units. The landlord has provided the log description showing how many times the fire service had to go to the tenant's unit in one day. This results in the landlord being fined \$100.00 per visit.

The landlord seeks an Order of Possession to end the tenancy as soon as possible to safeguard the building and the other tenants.

Analysis

An early end to a tenancy under s. 56(2) of the *Residential Tenancy Act (Act)* is only given in extraordinary circumstances and only when the applicants can show that the situation is so extreme that it would not be reasonable to require the normal one Month Notice to End Tenancy given under section 47 of the *Act*. An early end to tenancy is granted and an Order of Possession for the rental unit is given if the tenant or persons 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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

I have considered the evidence before me and find the landlord's evidence to be compelling that the tenant has continued to remove smoke detectors even after being warned not to do so; I further find that there is a likelihood of damage being done to the

tenant's unit and the building which could put other tenants at significant harm due to the removal of the smoke detectors and the misuse of the stove. While I accept that the landlord has complied with the order from the fire service and removed the tenant's stove, the risk remains high of fire or endangerment to other tenants due to this tenant's actions while under the influence of illegal substances.

I am therefore satisfied from the evidence before me, that it would be unreasonable and unfair for the landlord to wait for a One Month Notice to End Tenancy under section 47 of the *Act* to take effect, as in doing so it may put the landlord's property at significant risk and may endanger the safety and wellbeing of other occupants of the building.

Conclusion

The landlords' application for an Order to End Tenancy Early is granted. An Order of Possession has been issued to the landlords to take effect **two days** after service on the tenant. A copy of this Order must be served on the tenant. The Order of possession is enforceable through the Supreme Court of British Columbia.

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 04, 2015

Residential Tenancy Branch

