



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act. The tenants did not appear at the hearing.

The landlord testified that he personally served each of the tenants with the hearing documents and evidence on March 22, 2016. I also noted that the tenants had submitted a response to the landlord's application. Accordingly, I was satisfied that the tenants were notified of today's proceeding and I continued to hear from the landlord without the tenants present.

### Issue(s) to be Decided

Has the landlord established that the tenancy should end early and the landlord should be provided an Order of Possession as provided under section 56 of the Act?

### Background and Evidence

The tenancy commenced December 1, 2015 and the tenants are required to pay rent of \$1,200.00 on the first day of every month. The landlord collected a security deposit of \$600.00.

The landlord submitted the following reasons for seeking to end the tenancy early:

1. The tenant referred to by initials JWE threatened to beat the landlord's son up when the landlord's son when to deliver a 10 Day notice to End tenancy for Unpaid Rent to the tenants on February 6, 2016.
2. The tenants have caused significant damage to the rental unit as follows:

- a. The sewer pipes were clogged with cloths and paper towels;
  - b. The electrical switch places and ceiling fans were removed;
  - c. The railings upstairs were broken off.
3. The tenants have stolen the washer and dryer and dishwasher from the property.

The landlord submitted that the police have attended the property three times. The tenants refuse to allow the landlord entry to inspect the property but the police have entered and confirmed the damage to the property and the absence of the appliances. The landlord provided the contact information for the police officer that attended the property, including a file number. The landlord testified that he requested copies of the police reports and paid the required fees but the reports are not yet available.

The landlord also provided a copy of a text message he had received from his realtor to show that it was the realtor that had notified him that the occupants were seen removing appliances from the rental unit.

The landlord also provided a condition inspection report and a text message from the former tenant of the property to demonstrate the property, including the septic system was not damaged prior to the subject tenancy.

### Analysis

Section 56(2) of the Act permits an Arbitrator, as a delegated authority of the Director, to make an order to end the tenancy on a date that is earlier than the effective date on a 1 Month Notice to End Tenancy for Cause had one been issued and provide the landlord with an Order of Possession. In order to grant an order to end the tenancy early I must be satisfied that:

- (a) the tenant or a person 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.

[reproduced as written with my emphasis added]

The landlord bears the burden to prove the tenants have acted in such a way as to warrant an order to end the tenancy earlier than by way of a 1 Month Notice. The burden is high as this provision is intended to apply in the most severe circumstances.

Since the tenants' failed to attend the hearing, I accept the landlord's version of events. I find that blocking sewer lines and tampering with electrical systems has or is likely to put the landlord's property at significant risk. Given this risk, along with the threat against the landlord's son, who was acting as an agent for the landlord in serving a Notice to End Tenancy, I find that it would unreasonable to wait for a 1 Month Notice to take effect. Therefore, I grant the landlord's request for an order to end this tenancy early.

I order that this tenancy ends effective two days after service of the Order of Possession provided to the landlord with this decision.

I further award the landlord recovery of the \$100.0 filing fee paid for this application. The landlord is authorized to deduct \$100.00 from the security deposit in satisfaction of this award.

Conclusion

I order this tenancy to be at an end two (2) days after the landlord serves the tenants with the Order of Possession that is provided to the landlord with this decision.

The landlord is authorized to deduct \$100.00 from the tenants' security deposit to recover the filing fee paid for this application.

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: April 12, 2016

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Residential Tenancy Branch