



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the "Act") for an early end to this tenancy and an order of possession.

The tenants did not participate in the conference call hearing, which lasted approximately 20 minutes. The landlord's two agents, VS ("landlord VS") and LM ("landlord LM") attended the hearing and were given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses. Landlord VS confirmed she was an agent of the landlord named in this application, and had authority to speak on her behalf. Landlord LM confirmed he was an agent of the land owner, and had authority to speak on its behalf.

Landlord LM testified that on July 21, 2016, the tenants were served with the landlord's application for dispute resolution hearing package by way of posting to the rental unit door where the tenants were residing. In accordance with sections 89 and 90 of the *Act*, I find that the tenants were deemed served with the landlord's application on July 24, 2016, three days after its posting.

Issue(s) to be Decided

Is the landlord entitled to an order ending this tenancy early?

Background and Evidence

Landlord LM testified that the landlord named in this application sublet the manufactured home to the tenants named in this application. Landlord VS testified that this tenancy began on April 1, 2016 on a month-to-month basis. Rent in the amount of \$900.00 is payable on the first of each month. The tenants continue to reside in the manufactured home.

The manufactured home park issued a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") to the landlord named in this application. The effective date of the 1 Month Notice is August 31, 2016.

Landlord LM testified that he has received numerous written complaints regarding the tenants' ongoing disruptive behaviour but was unable to submit them as evidence as those neighbouring tenants fear for their safety. Landlord LM relayed the disruptive instances that have been reported to him.

On May 14, 2016, the neighbouring tenants observed the female tenant, in a car; attempt to run down the male tenant on foot. This incident was reported to police. A warning letter was issued to the tenants on May 22, 2016.

On an undisclosed date in June of 2016, the female tenant was heard screaming and observed throwing clothes out of the rental unit. The female tenant was seen chasing the male tenant on a bike and heard using profanities.

On June 22, 2016 at 7:30 a.m. the female tenant was again heard screaming and observed throwing clothes out of the rental unit. Both tenants were observed engaging in a physical altercation outside the rental unit. The police were called and attended. The street was blocked by police for approximately one hour.

On July 11, 2016 the male tenant was observed jumping the fence. The neighbouring tenant that observed this questioned the male tenant. This resulted in a heated verbal altercation. A separate neighbouring tenant interrupted the heated exchange and ultimately prevented a physical assault.

On July 23, 2016 the female tenant's brother was observed peeking into parked cars. Police were called.

Between August 5 and 6, 2016 three calls were made to the police and paramedics to attend the rental unit.

On August 11, 2016 at 1:00 a.m. five police cars surrounded the manufactured home. Police placed a spotlight on the manufactured home and had guns drawn. A police dog was present and barking. Police were seen entering and exiting the manufactured home. The street was blocked off for several hours by police.

On August 13, 2016 at 1:00 p.m. the male tenant knocked on several neighbouring doors seeking help. He was bleeding from a wound to his arm and explained he had

been tasered inside the manufactured home. Police attended and again had guns drawn outside the manufactured home.

Landlord LM testified that despite his enquires he was unable to obtain police file numbers or police reports related to the above instances. Landlord LM testified that the police did reveal that this particular manufactured home is the subject of the highest number of police calls to the manufactured home park. In summary landlord LM testified that other tenants live in fear and endure yelling, screaming and fighting on a daily basis.

Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an order of possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an order of possession under section 56, I need to be satisfied that the tenants have 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 interests of the landlord or another occupant.*
- *put the landlord's property at significant risk;*
- *engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;*
- *engaged in illegal activity that 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;*
- *engaged in illegal activity that 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***

it would be unreasonable, or unfair to the landlord, the tenant 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 evidence of landlord LM I find that as a result of this tenancy, there have been ongoing problems with loud foul language, physical altercations and police

presence at the manufactured home. Although these incidents may call for the issuance of a 1 Month Notice, I find that the incidents have escalated in the level of violence and intrusion on others. I therefore find that it would be unreasonable and unfair to the landlord and neighbouring tenants to wait for a notice to end tenancy for cause to take effect.

Conclusion

I grant an order of possession to the landlord effective **two (2) days after service on the tenants**.

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 15, 2016

Residential Tenancy Branch

