



# 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 tenant did not attend this hearing, which lasted approximately 30 minutes. The landlord's two agents (collectively "the landlord") attended the hearing and were given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses. The landlord confirmed they were agents of the landlord's company named in this application, and had authority to speak on its behalf.

The landlord testified that on January 30, 2017 he forwarded the landlord's application for dispute resolution hearing package via registered mail to the tenant. The landlord provided a Canada Post receipt and tracking number as proof of service. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the application on February 4, 2017, the fifth day after its registered mailing.

### Issue(s) to be Decided

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

### Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on February 1, 2016 on a fixed term until January 31, 2017 at which time it continued on a month-to-month basis. Rent in the amount of \$760.00 is payable on the first of each month. The tenant remitted a security deposit in the amount of \$380.00 at the start of the tenancy. The tenant has vacated the rental unit however the unit remains occupied by previous guests of the tenants.

The landlord testified that the current occupants are disruptive to the building. The occupants have a dog contrary to the tenancy agreement, have a steady stream of visitors day and night and are involved with the drug trade. The landlord testified to one occasion in which an occupant engaged in a drug overdose in the common hallway and to another occasion in which pepper spray spilled out into the common hallway from the rental unit. In both instances the police attended and file numbers issued. The occupants have been seen selling drugs from the living room window and have most recently neglected to pay a taxi driver which again resulted in police attendance and the issuance of police file numbers.

### 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 tenant or person permitted on the 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 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 presented, and on the balance of probabilities, I am satisfied that the current occupants of the rental unit permitted on the property by the tenant have

significantly interfered with or unreasonably disturbed other occupants or the landlord of the residential property. The continued police attendance, and incidents in the common hallway are unreasonable disturbances that other occupants of the building should not have to endure.

I am satisfied that it would be unreasonable and unfair to the landlord and other occupants to wait for a notice to end tenancy under section 47 to take effect. Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of possession for the rental unit effective two days after service upon the tenant.

### Conclusion

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

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: February 22, 2017

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Residential Tenancy Branch