



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MacLaren Housing Society of BC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

ET

Introduction

This is the Landlord's Application for Dispute Resolution seeking an early end to tenancy.

The Landlord's agents provided affirmed testimony at the Hearing. The Landlord's agent MP testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant at the rental unit, by registered mail, on November 24, 2017. MP provided the tracking number of the registered documents. The Canada Post Tracking system indicates that the Tenant signed for the documents on November 27, 2017.

This matter was scheduled to be heard by teleconference at 9:30 a.m., December 21, 2017. The Tenant did not sign into the Hearing, which remained open for 15 minutes. I am satisfied that the Tenant was duly served with the Notice of Hearing and we proceeded in the Tenant's absence.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

In its Application for Dispute Resolution, the Landlord submitted:

“Tenants suite has been completely destroyed. Walls have been taken down, electrical wiring exposed. Broken gyprock all through apartment, knife slashes on cupboards. Tenant has been running water for long periods of time, while taking videos with cellphone to post on face book. Society is concerned about risk of electrical shock, fire, flooding and injury from falling debris to tenant and damage or risk of injury to surrounding residents on the 9th floor apartments and below.”

[Reproduced as written.]

The Landlord provided photographs of the rental unit in evidence.

Analysis

Section 56 of the Act provides:

Application for order ending tenancy early

56 (1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(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.

(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

[Reproduced as written.]

I accept the Landlord's undisputed testimony in its entirety. Based on the photographs provided, I find that the Tenant has seriously jeopardized the health or safety or a lawful right or interest of the Landlord and other occupants in the rental property; and put the Landlord's property at significant risk.

Conclusion

Pursuant to the provisions of Section 56 of the Act, I hereby provide the Landlord with an Order of Possession **effective immediately upon service of the Order upon the Tenant**. This Order may be enforced in 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: December 21, 2017

Residential Tenancy Branch