



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY CHILLIWACK LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET FF

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the landlord's application for:

- an Early End of Tenancy pursuant to section 56 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

While the landlord, B.B., attended the hearing by way of conference call, the tenant did not. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave undisputed testimony that the tenant was sent a copy of the Notice of Hearing and evidentiary package by way of Canada Post Registered Mail on December 6, 2017. A copy of the Canada Post tracking number was provided to the hearing as part of the landlord's evidentiary package. Pursuant to sections 88, 89 & 90 of the *Act*, the tenant is deemed served with these documents on December 11, 2017, five days after their posting.

### Issue(s) to be Decided

Is the landlord entitled to an Early End of Tenancy?

### Background and Evidence

Undisputed testimony provided to the hearing by the landlord explained that this tenancy began on November 1, 2016. Rent is \$650.00 per month, and a security deposit of \$325.00 continues to be held by the landlord.

The landlord explained that he was seeking an Early End of Tenancy because of increased danger and illegal activity that had taken place in the rental unit. Specifically, the landlord said that the tenant had allowed numerous people into the rental building, many of whom had slept in the hallways and caused significant disturbances to the other residents. The landlord continued by describing the hazardous waste which the tenant had created through the use of syringes. He said that the tenant and his guests had thrown numerous syringes and syringe packages out of the windows of the rental unit, into the garden area and into the hallway. The landlord stated that this debris had caused the landscaper to quit and had led to multiple building cleaners, also refusing to attend the premises. The landlord said that he feared someone would get injured from this hazardous waste.

### Analysis

Section 56 of the *Act* allows a landlord to make an application for dispute resolution to request ending a tenancy on a date that is earlier than the tenancy would end if notice to end tenancy were given under section 47 (cause) of the *Act*. An arbitrator may make an order specific an earlier date on which a tenancy ends if the arbitrator is satisfied that the landlord can demonstrate that the tenant or a person permitted on the residential property by the tenant has;

- (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.

In order for a notice under this section to be successful, the landlord must demonstrate any of the above are presently taking place in the rental building, and must show that 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 of the *Act* to take effect.

Based on the undisputed testimony provided to the hearing by the landlord, I find that the tenant's actions regarding improper disposal of hazardous waste to present a very real, and immediate danger to the landlord, his employees and the other occupants of the building. I accept the landlord's undisputed testimony that the tenant has disposed of numerous syringes in the hallway and in the gardens near his window, and that these syringes have led to the landlord's staff refusing to attend the building to perform landscaping or cleaning duties. I find that the landlord was successful in his application for an Early End of Tenancy and shall be granted an Order of Possession, effective 2 days after its service.

As the landlord was successful in his application, he may recover the \$100.00 filing fee from the tenant. Pursuant to section 72 of the *Act*, I allow the landlord to retain \$100.00 from the tenant's security deposit in satisfaction of a return of the filing fee.

### Conclusion

I am granting the landlord an Order of Possession to be effective two days after notice is served to the tenant. If the tenant does not vacate the rental unit within the two days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

The landlord may retain \$100.00 from the tenant's security deposit in satisfaction for a return of the filing fee.

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: January 26, 2018

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Residential Tenancy Branch