



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PINE BLUFF HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The landlord testified that she personally served the tenant in the presence of a witness; the Notice of Hearing documents and evidence on January 25, 2018. The landlord testified that the tenant crumpled up the documents and threw them in the garbage in front of her. Based on the undisputed testimony of the landlord, I find that the tenant was served in accordance with section 89 of the Act. The hearing proceeded and completed in the absence of the tenant.

Issues(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?
Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This tenancy began on July 1, 2017. According to the terms of the written tenancy agreement between the parties, the tenant agreed that he is responsible for paying monthly rent of \$650.00 in advance on the first of each month. The landlord testified that the tenant provided a security deposit of \$325.00.

The landlord testified that the tenants' behaviour has become worse since she served him notice of this hearing. The landlord testified that the tenant and his guests have

threatened “to smash your face”. The landlord testified that the tenants’ guest spat in her face last week and that the police have attended on several occasions. The landlord testified that the tenant has engaged in drug trafficking on the property, strewn drug paraphernalia in common areas, is constantly high on heroin, and has people coming and going “24 hours a day”. The landlord testified and provided documentation that other tenants in this 69 unit complex have grave concerns and have filed numerous written and verbal complaints. The landlord testified that she has made several attempts to work with the tenant but with no success. The landlord testified that she is fearful for her safety, the safety of her tenants and the safety of the building. The landlord testified that the tenant is posing a severe threat and risk and seeks an order of possession.

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 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.

In this case, the landlord has satisfied me of the first six of the seven grounds listed above. Based on the undisputed testimony of the landlord and the extensive supporting documentation, I am satisfied that the tenancy must end and that the landlord is entitled to an order of possession pursuant to section 55 of the *Act*. As the landlord has been

successful in this application she is entitled to the recovery of the filing fee. The landlord is entitled to retain \$100.00 from the security deposit in full satisfaction of the claim.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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 14, 2018

Residential Tenancy Branch