



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *ET, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on April 21, 2018, by handing it over to the male tenant in person. The tenants did not participate in the conference call hearing. I find that the tenants were served with the landlord's materials in accordance with sections 88 and 89 of the *Act*. The hearing proceeded in the tenants' absence.

### **Issues to be Decided**

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started in September 2017. The rental unit consists of the upper floor of a two level house. The lower level is rented out separately.

The landlords stated that the tenants do not maintain the house in a sanitary condition and have a lot of items cluttering the home. The landlords added that the vast amount of the tenants' belongings poses a fire hazard and that the rental unit is now full of bugs and rats.

The landlord did not file any photographs of the rental unit. The evidence that the landlord filed was a video showing the condition of the rental unit prior to the start of the tenancy. The landlords agreed that they had failed to provide sufficient evidence to support their application for an order of possession.

During the hearing the landlords informed me that the male tenant had already moved out two weeks prior to this hearing and that the female tenant had moved out the day before this hearing.

### **Analysis**

Section 56 is an extraordinary remedy that is reserved for situations in which there is a clear and present danger, or a genuine threat of imminent harm of such an extreme nature that it would warrant immediate intervention and removal of the tenant.

In this case, the landlords did not provide sufficient evidence to prove that a situation of danger existed that warranted immediate removal of the tenants and therefore I dismiss the landlord's application. The landlords must bear the cost of filing their application.

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: May 16, 2018

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Residential Tenancy Branch