



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. However, the Tenant did not appear. The Landlord stated that he posted the Notice of Hearing, and evidence to the front door of the rental unit on August 3, 2018. Pursuant to section 88 and 90 of the Act, I find the Tenant is deemed to have received this package on August 6, 2018, 3 days after it was posted.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Landlord entitled to end the tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlord stated that the Tenant has been growing marijuana on the premises, modifying the house without permission, building walls, and there are generators

running there at all times. The Landlord stated that you can smell the marijuana from the outside of the house. The Landlord stated that the Tenant has told him that he is not allowed on the property anymore, for any reason. The Landlord stated that the Tenant has said "I own the property now". The Landlord stated that he has been threatened by the Tenant, and told not to come around. The Landlord stated that when he arrived in his truck the Tenant threatened to fight him if he got out of the truck. The Landlord stated that he fears for his safety, and the safety of his property because he does not feel safe about showing up. Subsequently, the Landlord applied for an early end to tenancy because of how volatile and unsafe the Tenant is.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; and, 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 to take effect.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour is severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's verbal threats of violence combined with the lack of regard for the property poses an immediate and severe risk to the Landlord and the property. As such, I find the Landlord is entitled to an order of possession.

Further, section 72 of the Act allows me to award recovery of the filing fee. As the Landlord was successful with his application, I allow him to retain \$100.00 from the security deposit he holds for the tenancy.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: September 14, 2018

Residential Tenancy Branch