



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Haven Management Co. Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET FF

### 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 sent the Notice of Hearing, and evidence to the Tenant by registered mail on November 8, 2018. I find the Tenant is deemed to have received the package 5 days after it was mailed, pursuant to section 88 and 90 of the Act.

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 continually has problematic guests over. The Landlord stated that these guests are loud and disruptive, and one of the guests engaged in threatening behaviour to the Tenant living below. The Landlord provided a

written statement from the Tenant below. The Tenant below, K.D., stated that one of the guests of the Tenant upstairs was making a lot of noise outside. K.D. asked the guest to keep the noise down, and the guest was very aggressive, and repeatedly threatened to “kick the shit” out of K.D. The police eventually had to be called and the K.D. was fearful for his safety.

### 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. I find the Tenant is responsible for her guests and the threatening behaviour from one of them. I find the threats are significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant’s guest’s verbal threats of violence, combined with hostile and physically threatening behaviour poses an immediate and severe risk to other occupants in the building. As such, I find the Landlord is entitled to an order of possession.

### 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: December 3, 2018

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Residential Tenancy Branch