



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BAKONYI HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “*Act*”) for an Order of Possession to end the tenancy early.

Two agents for the Landlord (the “Landlord”) were present for the teleconference and were affirmed to be truthful in their testimony. No one called in for the Tenant during the approximately 10 minutes that the phone line remained open. The Landlord testified that they served the Tenant in person with the Notice of Dispute Resolution Proceeding package and a copy of their evidence.

The Landlord submitted a signed Proof of Service form into evidence which was also signed by a witness. The document confirms that the Notice of Dispute Resolution Proceeding package was served to the Tenant in person on December 21, 2018. As such, I find that the Tenant was duly served in accordance with Sections 88 and 89 of the *Act*.

Issue to be Decided

Is the Landlord entitled to an Order of Possession to end the tenancy early, pursuant to Section 56 of the *Act*?

Background and Evidence

The Landlord provided undisputed testimony on the tenancy which was confirmed by the tenancy agreement submitted into evidence. The tenancy began on April 1, 2017.

Monthly rent is \$1,100.00, due on the first day of each month. A security deposit of \$550.00 was paid at the outset of the tenancy.

The Landlord testified that on November 14, 2018 there was a fire at the rental property involving over 10 vehicles and damage to the rental building. This caused the entire rental building to be evacuated urgently. The Landlord stated that the damage was estimated at over one million dollars. The Landlord testified that the police and fire departments determined that the fire was intentionally set, with the Tenant as the target of the arson due to his involvement in the illegal drug trade.

The Landlord submitted into evidence a letter from the police dated December 3, 2018. The letter states that a fire occurred on November 14, 2018 involving 14 parked vehicles, a carport, and the entire exterior wall of the rental building, causing over 100 people to be evacuated from the rental building.

The letter further states that police and fire investigators determined that the first vehicle lit on fire was a vehicle belonging to the Tenant and that the fire was intentionally set. In the letter, the police officer states that the Tenant is known to police due to his “active involvement in the illicit drug trade”.

The letter further states that a police investigator entered the Tenant’s unit and they “observed a number of weapons, drug residue, drug paraphernalia and bundles of cash in plain view”, leading them to believe that the Tenant is still involved in drug trafficking.

The letter closes with the following statement:

Given (the Tenant’s) ongoing involvement in the illicit drug trade and the fact he was the intended target of the arson, it is the belief of the Police that (the Tenant’s) tenancy at (address of rental property) poses a safety risk to the other tenants living within the building.

(Reproduced as written with identifying information removed)

Analysis

A landlord may apply for an Order of Possession to end the tenancy early, pursuant to Section 56 of the *Act*. Section 56 states the following:

56 (1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
 - (b) granting the landlord an order of possession in respect of the rental unit.
- (2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,
 - (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
 - (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, and
 - (b) 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 [*landlord's notice: cause*] to take effect.
- (3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the testimony and evidence of the Landlord, I find that the actions of the Tenant are seriously jeopardizing the health, safety or lawful right of the Landlord and other occupants, and putting the Landlord's property at significant risk, pursuant to Sections 56(2)(a)(ii) and 56(2)(a)(iii) of the *Act*.

I also find the letter from the police to be compelling evidence that the Tenant is engaged in illegal activity that is causing concern for the safety and security of others and the property, pursuant to Section 56(2)(a)(iv) of the *Act*.

I accept the letter from the police that corroborates the Landlord's testimony that the Tenant's involvement in illegal drug activity led to the fire which caused extraordinary damage to the property and risk to the safety of the other residents in the rental building.

As such, I am satisfied that the Landlord has established their claim for an Order of Possession to end the tenancy early in accordance with Section 56 of the *Act*. I issue an Order of Possession, effective 2 days after service on the Tenant.

Conclusion

Pursuant to Section 56 of the *Act*, I grant an Order of Possession to the Landlord effective **two days after service of this Order** on the Tenant. Should the Tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 15, 2019

Residential Tenancy Branch