



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession to end a tenancy early and to recover the filing fee.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by posting it on the door of the Tenant’s rental unit on April 2, 2019. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy early?

Background and Evidence

This tenancy started on November 15, 2018 as a fixed term tenancy with an expiry date of November 15, 2020. Rent is \$1,600.00 per month payable on the 30th day of each month. The Tenant paid a security deposit of \$800.00 at the start of the tenancy.

The Landlord gave undisputed affirmed testimony that the Tenant has allowed up to 20 unauthorized people to occupy the rental unit and these occupants have engaged in criminal activities. The Landlord said the following incidents involved the Tenant and the unauthorized occupants of the Tenant’s rental unit.

1. The Tenant or unauthorized occupants sold drugs to another tenant of the Landlord on or about February 24, 2019 and the tenant purchasing the drugs had a fentanyl overdose.
2. The Tenant and the unauthorized occupants continuously smoke in the rental unit and the rental unit is a non smoking unit. The Landlord said when she tried

- to approach the Tenant and the unauthorized occupants about the smoking they harassed her and phoned the police saying the Landlord was harassing them.
3. The Landlord continued to say the Tenant and or the unauthorized occupants were involved in a shooting incident on April 3, 2019 injuring another tenant of the Landlord. The Landlord provided RCMP investigating officers names and information to support the shooting incident happened in the Landlord's rental units.
 4. Further the Landlord said on April 18, 2019 a girl was beaten and left in the Tenant's rental unit. The Landlord said the Tenant and some of the unauthorized occupants have left the unit now and there is another Police investigation regarding this crime.

Analysis

Section 56 of the Act says a Landlord may make an application to request an order to end a tenancy early if the Tenant significantly interfered with or unreasonable disturbs other occupants or the landlord, seriously jeopardizes the health or safety of other occupants or the landlord, put the landlord property at significant risk, jeopardizes the lawful right of other occupants, caused extraordinary damage to the property or that it would be unreasonable or unfair for a landlord or other occupant to wait for a notice to end tenancy.

It is apparent from the testimony and evidence that there are issues with this tenancy. Section 56 of the Act uses language which is written very strongly and it's written that way for a reason. A person cannot be evicted simply because another occupant has been disturbed or interfered with, they must have been **unreasonably** disturbed, or **seriously** interfered with. Similarly the landlord must show that a tenant has **seriously** jeopardized the health or safety or lawful right or interest of the landlord or another occupant, or put the landlord's property at **significant** risk. Or that it would be **unfair** for a landlord or other occupant to wait for a notice to end tenancy.

In this case the Landlord has provided undisputed affirmed testimony and written evidence that the Tenant has been involved with criminal activity that has put the rental unit and other tenants at risk. I accept the Landlord's testimony and the RCMP information that there is a criminal investigation involving the Tenant and that the unauthorized occupants. Further, I accept other tenants and the Landlord are at risk and the property is at risk because of the Tenant's actions. I find that the Tenant's actions have reached the level of **unreasonableness, significance or seriousness as defined by section 56 of the Act**. As well it would be **unfair** to require the Landlord to wait for the effective vacancy date of a Notice to End Tenancy. I award the Landlord an Order of Possession effective 2 days after service of the Order on the Tenant.

Further as the Landlord has been successful in this matter, I order the Landlord to retain \$100.00 of the Tenant's security deposit to recover the filing fee for this application.

Conclusion

The Landlord's application for an early end to tenancy is granted.

I find, pursuant to section 56 of the Act, that the landlords are entitled to an Order of Possession effective **two days after service** on the tenant and the Order may be filed in the Supreme Court and 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: April 23, 2019

Residential Tenancy Branch