



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ABORIGINAL HOUSING SOCIETY OF PRINCE GEORGE  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

On June 4, 2019, the Landlord made an Application for Dispute Resolution seeking an early end to this tenancy and an Order of Possession pursuant to Section 56 of the *Residential Tenancy Act* (the “Act”).

S.B. attended the hearing as an agent for the Landlord. However, the Tenant did not attend the hearing. All in attendance provided a solemn affirmation.

S.B. advised that the Tenant was served the Notice of Hearing package and evidence by hand when she served her brother, who apparently resides with her, twice on June 11, 2019. She provided two Proof of Service documents to support that this package was served twice to an adult that apparently resides with the Tenant. Based on the undisputed, solemnly affirmed testimony, in accordance with Sections 71, 89 and 90 of the *Act*, I am satisfied that the Tenant was served the Notice of Hearing package and Landlord’s evidence.

All parties were given an opportunity to be heard, to present sworn testimony, and to make submissions. I have reviewed all oral and written submissions before me; 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 an early end to this tenancy and an Order of Possession?

### Background and Evidence

While I have turned my mind to the accepted documentary evidence and the testimony of the parties, not all details of the respective submissions and/or arguments are reproduced here.

The Landlord stated that the tenancy started on April 1, 2016 and rent was currently \$1,200.00 per month, due on the first of each month. A security deposit of \$420.00 was also paid.

She advised that there was a lot of illegal activity in and around the rental unit, that the yard has been destroyed, and that as a result, a One Month Notice to End Tenancy for Cause was served on March 26, 2019. After service of this Notice, there was an increase in people attending the rental unit, people would show up in the yard, and there was a significant increase in illegal activity including drug use within the rental unit. As well, people would show up at all hours of the day and honk their horns until someone came out and appeared to exchange drugs. In addition, there would be many fights between men in the yard, as well as incidents of domestic violence and criminal activity. She stated that the house is “trashed” and estimated approximately at least \$10,000 in damage. Finally, she submitted that an 18-year-old individual overdosed and died within the rental unit.

She stated that there were multiple calls to the police by neighbours, and there was an abundance of police reports filed. She submitted multiple documents, including complaints from neighbours and incident reports, substantiating her submissions with respect to the alleged activity and behaviour of the Tenant and those people that she has allowed in the rental unit.

### Analysis

Section 56 of the *Act* establishes the grounds for a Landlord to make an Application requesting an early end to a tenancy and the issuance of an Order of Possession. In order to end a tenancy early and issue an Order of Possession under Section 56, I need to be satisfied that the Tenant has done any of the following:

- *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;*
- *seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant.*
- *put the landlord's property at significant risk;*

- *engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;*
- *engaged in illegal activity that 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;*
- *engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;*
- *caused extraordinary damage to the residential property, **and***

*it would be unreasonable, or unfair to the landlord, the tenant 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.*

Based on the undisputed evidence and affirmed testimony before me, I am satisfied that the Tenant's behaviour, and that of the people that she has allowed into the rental unit, would fall into the categories of: significantly interfering with or unreasonably disturbing another occupant or the Landlord, seriously jeopardizing the health or safety or a lawful right or interest of the Landlord, putting the landlord's property at significant risk, engaging in illegal activity that has caused or is likely to cause damage to the landlord's property, engaging in illegal activity that 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, and engaging in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord.

The Landlord must also demonstrate that "it would be unreasonable, or unfair to the landlord, the tenant or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 for cause" to take effect. Based on the undisputed evidence of the Tenant's ongoing, troublesome behavior, I accept that there is likely a genuine concern for the ongoing safety of the other residents of the property.

Under these circumstances described, I find that it would be unreasonable and unfair to the Landlord to wait for a One Month Notice to End Tenancy for Cause to take effect. For these reasons, I find that the Landlord has provided sufficient evidence to warrant ending this tenancy early. As such, I find that the Landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the Landlord effective **two days after service of this Order** on the Tenants. Should the Tenants 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: June 17, 2019

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Residential Tenancy Branch