



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET FFL

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover the filing fee from the tenant pursuant to section 72.

Both parties were represented at the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenant was represented by their family member who acted as agent (the "tenant").

As both parties were represented service was confirmed. The tenant confirmed receipt of the landlord's application and evidence. Based on the evidence I find that the tenant was served with the landlord's materials in accordance with sections 88 and 89 of the *Act*.

### Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?  
Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

The parties agreed on the following facts. This tenancy began in February 2018. The current monthly rent is \$650.00 payable by the first of each month. A security deposit of \$375.00 was collected at the start of the tenancy and is held by the landlord.

The landlord submits that the tenant has destroyed the interior of the rental suite. The damage includes holes punched in walls, damage to doors and keys, and peeling of drywall. The landlord submitted photographs of the rental suite into evidence. The landlord says that police have been called due to the noises and destruction on a number of occasions.

### Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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 testimony of both parties and my review of the submitted evidence, I find that the tenant has caused extraordinary damage to the residential property and that the present circumstances are such that it would be unreasonable or unfair to the landlord or other tenants to serve the tenant with a notice to end tenancy under section 47 of the *Act* and wait for that notice to take effect.

I accept the evidence that the tenant has caused damage to the residential property. I further find that the damage caused is not simply cosmetic but significant damage to the structure of the building. Based on the evidence submitted, I find that the holes in the walls are numerous and large, exposing interior insulation and wiring. I am satisfied that the tenant has caused extraordinary damage to the residential property.

I accept the evidence of the parties that the damage was not caused through a single instance but represents a repeated pattern which has recurred throughout the tenancy. The tenant's agent explained that the tenant suffers from anger management issues which results in their taking out frustrations on the rental unit. While taking out their anger on objects may be preferable to violent confrontations with other individuals, I find that it is still not an ideal method of expressing emotions. I accept the tenant's evidence that this is not an isolated incident or one that is limited to past occurrences and that violent outbursts against the structure may recur in the future.

Under the circumstances I find that it would be unreasonable to the landlord to wait for a notice to end tenancy under section 47 to take effect. Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

As the landlord's application was successful the landlord may recover their filing fee. In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain \$100.00 of the tenant's \$375.00 security deposit in satisfaction of the monetary award issued in the landlord's favour.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The security deposit for this tenancy is reduced by \$100.00 from \$375.00 to \$275.00.

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 20, 2019

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Residential Tenancy Branch