



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing dealt with an expedited application for a hearing by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for emergency termination of a tenancy pursuant to section 56;
- Authorization to recover the filing fee for this application pursuant to section 72.

BH, lawyer, attended on behalf of the landlord (“the landlord”). The tenant attended. Both parties had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The tenant acknowledged receipt of the landlord's Notice of Hearing and Application for Dispute Resolution. Neither party raised issues of service. I find the landlord served the tenant in compliance with section 89 of the *Act*.

### Issue(s) to be Decided

Is the landlord entitled to:

- An order for emergency termination of a tenancy pursuant to section 56;
- Authorization to recover the filing fee for this application pursuant to section 72.

### Background and Evidence

The parties agreed the tenancy began in July 2018. Rent is \$1,200.00 a month payable at the beginning of the month. At the beginning of the tenancy, the tenant paid a security deposit of \$600.00 which the landlord holds.

The parties agreed that a small building, or shed, separate from the main residence, and containing storage of the tenant's possessions, was destroyed by fire on July 11, 2019. The landlord claimed the fire was caused by the tenant's smoking. The tenant denied that is the cause of the fire and stated it occurred as the result of arson.

The landlord also claimed the tenant is responsible for significant damage to the property including a sewage backup. The landlord further claimed the tenant did not pay rent when it was due on July 1, 2019.

At the outset of the hearing, the tenant stated he had moved out of the unit and was in the process of cleaning, repairing and moving possessions. He agreed to an order of possession effective July 31, 2019 at 1:00 AM, two days after the hearing, in order that he could clean the unit in preparation for an inspection with the landlord.

### Analysis

The landlord provided affirmed testimony and submitted photographs and statutory declarations in support of an expedited hearing for an application for early termination of a tenancy pursuant to section 56. The tenant consented to the application and the granting of the order of possession and requested the date for possession be July 31, 2019 at 1:00 PM.

Further to the submissions of the parties I grant the landlord an order of possession effective at 1:00 PM on July 31, 2019.

As the landlord has been successful in this application, the landlord is granted a monetary award in the amount of \$100.00 which may be paid from the security deposit held by the landlord pursuant to section 72 leaving a balance of the security deposit of \$500.00.

Conclusion

The landlord will be given a formal order of possession effective at 1:00 PM on July 31, 2019 which must be served on the tenant. If the tenant does not vacate the rental unit on or before 1:00 PM on July 31, 2019, the landlord may enforce this order in 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: July 29, 2019

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Residential Tenancy Branch