



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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

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

The landlord provided sworn and documentary evidence that the tenant was notified of this hearing by posting the notice of hearing document and application on the tenants' door on June 14, 2019. I find that the landlord has served the tenant in accordance with section 89(2)(d) of the *Act* as required. The hearing proceeded and completed on that basis.

Issue(s) to be Decided

Is the landlord entitled to an early end of 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 landlord gave the following undisputed testimony. The landlord testified that the tenancy began on June 15, 2019. The monthly rent is \$1680.00 per month and the landlord was given an \$840.00 security deposit at the outset of the tenancy. The landlord testified that within 24 hours of the tenant taking possession he received five noise complaints. The landlord testified that the tenant that he rented the unit to was actually threatened by an RM to obtain a unit for him. The landlord testified that RM and other associates all have lengthy criminal histories and the police attend on a daily

basis. The landlord testified that RM has engaged in drug dealing out of the unit and that despite the landlords' warnings, he has not ceased to operate his drug dealing business. The landlord testified that RM has threatened his personal safety along with other tenants in the complex. The landlord testified that RM has numerous people living in the unit with him that are "the worst of the worst of the worst". The landlord testified that this is a senior's complex and many other tenants are fearful of what RM is capable of.

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. 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 testimony of the landlord and the supporting documentation, I find that the landlord has provided sufficient evidence that the tenant has significantly interfered with or unreasonably disturbed another occupant or landlord and I also find that it would be unreasonable and unfair to the landlord to wait for a notice to end the tenancy under section 47 to take effect; accordingly the landlord is entitled to an early

end of tenancy and an order of possession pursuant to section 56 of the Act. As the landlord has been successful in this application, they are also entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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

Residential Tenancy Branch