



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1125844 BC LTD. and
[tenant name suppressed to protect privacy]

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 participated in the teleconference, the tenants did not. Due to an administrative error from the Branch, the matter was incorrectly scheduled to be heard on August 30, 2019. Both parties attended on that day and were advised by the Arbitrator that the matter was to be heard on this day at 9:30 a.m. The Arbitrator made it clear in their decision that the parties confirmed that they had the date, time and passcode for this conference. In addition, the landlord personally served the tenant on September 5, 2019. Based on all of the above, I am satisfied that the tenant was served notice of this hearing in accordance with section 89 of the Act, accordingly; the hearing proceeded and completed in the tenant's absence.

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. This tenancy began on December 15, 2018. The monthly rent of \$2200.00 is due on the first of the month and at the outset of the tenancy the landlord collected and still holds a security deposit of \$1100.00. The landlord testified that the tenant is running a "harm reduction house" in contravention of the by-laws of the municipality. The landlord testified that he has received numerous warning letters and by law fines as a result of the tenant's actions. In addition, the tenants have numerous

unauthorized people living in the home that have engaged in criminal activity. The landlord testified that the tenants and their occupants have been stealing from neighbors and damaging their property. The tenants continue to throw assorted debris around the property such as mattresses, furniture and other household items which is also in contravention of the local by-laws. The landlord seeks an early end of the tenancy and an order of possession for the following reasons:

- *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;*

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 extensive documentation submitted by the landlord, the undisputed testimony of the landlord and in the absence of any disputing evidence from the tenants, I find that the landlord has satisfied both grounds as noted above under section 56 and has provided sufficient evidence that this tenancy must end on the following grounds:

- *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;*

The landlord is entitled to an order of possession pursuant to section 56, the tenancy is terminated.

The landlord is also entitled to retain \$100.00 from the security deposit for the recovery of the filing fee.

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: September 12, 2019

Residential Tenancy Branch