



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and for an early end to the tenancy.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by posting it on the door on October 1, 2019. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy early?

### Background and Evidence

This tenancy started on February 1, 2018 as a month to month tenancy. Rent is \$900.00 per month payable in advance of the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$450.00 on December 31, 2017.

The Landlord issued a One month Notice to End Tenancy for Cause on September 7, 2019 and an 10 Day Notice to End Tenancy for Unpaid Rent on October 1, 2019. The reason on the 1 Month Notice to End Tenancy is that the Tenant caused extraordinary damage to the rental unit. The Landlord submitted photographic evidence to support her reasons. Further the Landlord said she issued the 10 Day Notice to End Tenancy because the Tenant did not pay the October 2019 rent.

The Landlord said the Tenant gave notice to the Landlord she was moving out of the rental unit on October 14, 2019. The Landlord said on October 13, 2019 the Tenant had an eviction party in the rental unit causing extensively damaging to the rental unit. The Landlord continued to say the Tenant was removed from the rental unit by the Police and she has not talk to the Tenant since that night. The Landlord continued to say the Tenant's boyfriend called and said he is picking up the Tenant's belongings at noon on October 15, 2019. The Landlord said there have been many issues with this tenancy over the last year and the Landlord requested an Order of Possession even though the tenancy has ended.

### Analysis

Section 56 of the Act says a Landlord may make an application to request an order to end a tenancy early if the Tenant significantly interfered with or unreasonable disturbs other occupants or the landlord, seriously jeopardizes the health or safety of other occupants or the landlord, put the landlord property at significant risk, jeopardizes the lawful right of other occupants, caused extraordinary damage to the property or that it would be unreasonable or unfair for a landlord or other occupant to wait for a notice to end tenancy.

It is apparent from the testimony and evidence that there are issues between the Tenant and the Landlord. Section 56 of the Act uses language which is written very strongly and it's written that way for a reason. A person cannot be evicted simply because another occupant or the landlord have been disturbed or interfered with, they must have been **unreasonably** disturbed, or **seriously** interfered with. Similarly the landlord must show that a tenant has **seriously** jeopardized the health or safety or lawful right or interest of the landlord or another occupant, or put the landlord's property at **significant** risk. Or that it would be **unfair** for a landlord or other occupant to wait for a notice to end tenancy.

In this case the Landlord has given testimony and submitted evidence that the reasons for the Landlord requesting an Order of Possession have reached the level of **unreasonableness, significance, seriousness or unfair** required by section 56 of the Residential Tenancy Act. I find that the Landlord has established grounds for an early end to the tenancy; consequently I award the Landlord an Order of Possession with an effective vacancy date of October 15, 2019.

As the Landlord has been successful in this matter I order the Landlord to recover the filing fee of \$100.00 by retaining \$100.00 of the Tenant's security deposit.

Conclusion

An Order of Possession effective October 15, 2019 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced 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: October 15, 2019

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Residential Tenancy Branch