



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COASTAL LIFE REALTY LTD and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET FFI

### 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 for this application pursuant to section 72.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

The landlord testified that they served the tenant with the notice of hearing and a complete copy of their evidence on December 4, 2019 by personal service. The landlord provided a witnessed proof of service form evidencing service. Based upon the landlord's undisputed testimony and the witnessed proof of service form, I find that the landlord properly served the tenant pursuant to section 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 pursuant to section 56?

Is the landlord authorization to recover the filing fee for this application pursuant to section 72?

### Background and Evidence

The landlord testified that the tenant has been very disruptive. The landlord testified that the tenant frequently yells for prolonged periods of time which has disturbed and scared other tenants. The landlord testified that the police have responded to the rental unit to deal the tenant.

The landlord's representative testified that she delivered a one month notice to end tenancy on November 30, 2019 at the rental unit. Witness, CH, testified that he was also present. Both the landlord's representative and witness CH testified that the tenant became very aggressive and angry after he received the notice to end tenancy.

They both testified that the tenant left the kitchen and returned with pit bull dog. They also testified that the tenant held on of his hands behind his back in a menacing manner. They testified that the tenant was very aggressive and they felt that the production of his pit bull dog and suspicious way that he was holding one hand behind his back was very threatening.

Both the landlord's representative and the witness testified that they were afraid that the tenant and his dog were going to attack them.

The landlord requests an early end of this tenancy.

### 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 witness, I find that the landlord has provided sufficient evidence to establish that the tenant has seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant by with the threat of physical harm with the tenant's pit bull dog and with the threat from a hidden object behind the tenant. I find the combination of the tenant's actions constituted a threatening and dangerous risk of imminent harm which seriously jeopardized the landlord's representative's and the witnesses' safety.

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

I find the landlord is entitled to an order of possession effective **immediately upon service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order, the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: December 10, 2019

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Residential Tenancy Branch