



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LESLIE PROPERTIES 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 tenant did not. The landlord provided sworn testimony and documentation that the tenant was served the Notice of Hearing Document, Application and evidence by way of posting it on the tenant's door on December 17, 2019 in the presence of a witness. I am satisfied that the landlord has acted in accordance with section 89(2)(d) of the *Act* and that the tenant was deemed served on December 20, 2019. Based on the above, the hearing proceeded and completed on this date.

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 tenancy began on December 1, 2013. The current monthly rent is \$1332.50. The tenant paid a security deposit of \$550.00 at the outset of the tenancy which the landlord still holds. The landlord testified that the tenant has been problematic for about two years. The landlord testified that many of the previous complaints against him were minor however; in the past four

months he has escalated his behaviour to a criminal level. The landlord testified that she has received over 50 verbal complaints and four written complaints in the last four months. The landlord testified that the tenant has verbally abused female tenants, followed them, made threats to their physical well being and that of the building. The landlord has had the police attend on ten occasions during the past four months. The landlord testified that the tenant has also physically removed her from his suite. The landlord testified that many tenants are fearful and want him to be removed.

The landlord seeks to be granted an order of possession on the following grounds:

- *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.*

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.

The landlord has provided clear, concise and compelling evidence to support their application. Based on the undisputed evidence before me, the landlord's documentation and on a balance of probabilities, I find that the landlord has provided sufficient evidence to support that the tenancy must end on the two grounds noted above. The landlord is granted an order of possession. The landlord is also entitled to the recovery of the \$100.00 filing fee to which the may retain that amount from the security deposit in full satisfaction of the claim.

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: January 06, 2020

Residential Tenancy Branch