



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 30127 BC LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This expedited 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.

The landlord participated in the teleconference, the tenant did not. The landlord provided sworn and documentary evidence that the tenant was served by posting the Notice of Hearing Package and Application on the tenants door on January 14, 2020. Service of documents for an expedited hearing are addressed as follows:

Section 9(3) of the *Residential Tenancy Act* (RTA) and *Manufactured Home Park Tenancy Act* (MHPTA) permit the director of the Residential Tenancy Branch to establish rules of procedure for the conduct of dispute resolution proceedings. Under Rule 10 of the rules of procedure, the director may set an application for dispute resolution down for an expedited hearing meaning it will be heard on short notice to the respondent.

Section 71(2)(a) and (c) of the RTA and section 64(2)(a) and (c) of the MHPTA allow the director to order that documents must be served in a manner the director considers necessary, despite the methods of service provided for in sections 88 and 89 of the RTA and sections 81 and 82 of the MHPTA, and that a document not served in accordance with those sections is sufficiently given or served for purposes of the Act.

### **THE DIRECTOR ORDERS that:**

Pursuant to sections 71(2)(a) and (c) of the RTA and sections 64(2)(a) and (c) of the MHPTA, and subject to any further order made pursuant to those sections:

1. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between six and 11 days after the date the application is made must serve their materials

- a. by leaving a copy with the person,
- b. if the person is a landlord, by leaving a copy with an agent of the landlord, or
- c. if the person is a tenant, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant.

2. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between **12 and 16 days** after the date the application is made **must serve their materials**

**a. by any method set out in paragraph 1 of this order,**

- b. by attaching a copy to a door or other conspicuous place at the address at which the person resides, or
- c. if the person is a landlord, by attaching a copy to a door or other conspicuous place at the address at which the person carries on business as a landlord.

The landlord filed their application on January 10, 2020 for this hearing 18 days later. I find that the means in which the landlord served the tenant is in accordance to the above, therefore; the hearing proceeded and completed in their absence.

#### Issue(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?

#### Background and Evidence

The landlord gave the following undisputed testimony. The tenancy began on May 1, 2019. The landlord testified that the tenant has been problematic since moving in. The landlord testified that even after being served notice of this hearing, the tenant's behaviour has gotten worse requiring the police to attend three times in two weeks. The landlord testified that they wish to have an early end to this tenancy and be granted an order of possession for the following reason:

*Tenant is posing an immediate and severe risk to the property, other occupants and to the property.*

*Damage to property. Broken windows and doors. Interior of the rental suite has been damaged including the walls (kitchen and washroom walls). There are occupants living in the suite that are not authorized. Mailboxes and coin operated*

*laundry boxes broken into by tenants' guests. Constant traffic of unknown individuals going into the unit at all hours of the day.*

### 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, their supporting documentation, and on a balance of probabilities, I am satisfied that the landlord has provided sufficient evidence to display that the tenant is a significant threat to the landlords property, accordingly; I find that the landlord is entitled to an early end of tenancy and an order of possession pursuant to section 56 of the Act.

### Conclusion

The landlord is granted an early of tenancy and 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 28, 2020

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Residential Tenancy Branch