



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

On March 9, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy and an order of possession for the rental unit. The matter was scheduled as teleconference hearing.

The Landlord attended the hearing; however, the Tenant did not.

The Landlord provided affirmed testimony that the Tenant was served with the Notice of Hearing in person on March 10, 2020, at a hospital. The Landlord provided a proof of service document. I find that the Tenant was served with notice of the hearing in accordance with sections 89 of the Act and failed to attend the hearing.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Background

The Landlord testified that the tenancy began on March 1, 2020, as a one-year fixed term tenancy. The Landlord testified that rent in the amount of \$750.00 is due by the first day of each month. The Landlord testified that the Tenant paid a security deposit of \$375.00.

The Landlord testified that the Tenant rents a room and shares common areas with other occupants. The Landlord testified that on March 8, 2020 the Tenant destroyed his room and threatened harm to the other occupants of the rental unit. The Landlord testified that the police attended the rental unit and removed the Tenant. The Tenant was admitted into a local hospital.

The Landlord provided a letter signed by other occupants of the rental unit stating that the Tenant damaged the entire room; breaking the windows and was throwing out all his belongings. The letter indicates the Tenant was doing drugs and needed 10 police officers to take him down.

The Landlord provided photographs of the rental unit showing extensive damage to the rental unit.

The Landlord testified that the Tenant is out of the hospital and attended the rental unit a few days ago to pick up his belongings.

The Landlord testified that the Tenant is dangerous and requested that the tenancy end and requested an order of possession for the rental unit.

Analysis

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the *Act*, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by 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 interest 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,
- 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, or
- 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 or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

An application for an early end of tenancy is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Based on the evidence and testimony of the Landlord, I find that the Tenant damaged the rental property and unreasonably disturbed the other occupants.

I find that the Tenant significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property and, it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

The Landlord's application for an early end of tenancy and an order of possession is granted. I find that the Landlord is entitled to an order of possession, pursuant to section 56 of the Act, effective one day after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The Landlord established that that the Tenant significantly interfered with or unreasonably disturbed another occupant or the Landlord of the residential property and, it would be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

The Landlord is granted an order of possession, pursuant to section 56 of the Act, effective one day after service on the Tenant.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the

Landlord paid to make application for dispute resolution. I authorize the Landlord to retain \$100.00 from the security deposit in satisfaction of the filing fee.

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: March 23, 2020

Residential Tenancy Branch