



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      ET

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for an early end to the tenancy pursuant to section 56;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 10:00 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord testified that on March 7, 2020, a copy of the Application for Dispute Resolution, Notice of Hearing was posted to the door of the rental unit.

Based on the above evidence, I am satisfied that the tenants were deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenants.

### Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

### Background & Evidence

The rental unit is a side suite of a one level house. The landlord resides in the main portion of the house. The tenancy began January 20, 2020 and the monthly rent is \$1200.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on January 22, 2019, the tenant threatened to burn down the landlord's house. The landlord testified that the tenant stated that he had burned another house down before. The police were called. The landlord submitted a police file number. The landlord testified that the tenants also shut off the furnace and hot water to the house as the controls are in the tenants' suite. The police were called again and the police entered the suite to turn the furnace and hot water back on. The landlord submits the tenant again turned the switched off after the police left. The landlord submits they have had no heat since February 13, 2020 and have to use blankets to keep warm.

The landlord testified that the tenant also trespassed by entering the landlord's garage and adjusting the landlord's security cameras. The landlord testified that various items have been stolen from the garage. The landlord submitted video evidence of the male tenant entering the garage and adjusting the security camera.

### Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.

I accept the landlord's undisputed testimony and evidence and find that the tenants have put the landlord and the landlord's property in significant risk by threatening to burn down the house and switching off the heat controls. The video evidence submitted by the landlord also shows the tenant entering the landlord's garage and adjusting the security camera. I accept the landlord's testimony and find that on a balance of probabilities the tenant has stolen items from the garage.

In the circumstances I find it would be unreasonable, or unfair to the landlord to wait for a One Month Notice for cause to take effect.

Accordingly, I find that the landlord is entitled to an order for possession effective immediately after service on the tenants. This order may be filed in the Supreme Court and enforced as an Order of that Court.

### Conclusion

I grant an Order of Possession to the landlord effective **immediately** after service of this Order on the tenants. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of 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: March 24, 2020

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Residential Tenancy Branch