



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act [landlord's notice for cause]; and
- recovery of the filing fee.

The landlord attended the hearing; however, the tenant did not attend.

The landlord stated the tenant was served with the application for dispute resolution and Notice of Hearing by registered mail on April 15, 2020. The landlord provided the Canada Post Customer Receipt containing the Tracking Number to confirm this mailing. That number is listed on the style of cause page in this Decision and a search of the system shows the item was successfully delivered on April 16, 2020.

I accept the landlord's evidence that the tenant was served notice of this hearing in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present his evidence orally and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules). However, not all details of the landlord's submissions and or arguments are reproduced here; further, only the

evidence specifically referenced by the landlord and relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a One Month Notice to End Tenancy?

Is the landlord entitled to an Order of possession and to recover the filing fee?

Background and Evidence

The written tenancy agreement shows this tenancy began on March 1, 2020 and monthly rent is \$2,200.00.

In support of his application, the landlord submitted that the tenant or a person permitted on the residential property by the tenant has done at least one of the following:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property; or
- put the landlord's property at significant risk.

In explanation, the landlord submitted that since the start of this tenancy, persons the tenant has allowed to live on the property have been engaging in illegal activity, such as carrying big, long knives and subleasing to homeless people.

The landlord submitted that the 6' crawl space under the house was not part of the house rented to the tenant; yet, when he attended the residential property to retrieve some of his personal property, the lock to the crawl space door had been removed. The landlord observed that several homeless people had pitched their tents inside, have been smoking, and lighting bonfires.

The landlord submitted that he has called the police, but they will not assist him in removing the homeless or unauthorized people on the property without a Residential Tenancy Branch (RTB) Decision.

The landlord submitted that every time he goes to the rental unit, he sees groups of people he does not recognize who appear to be living there. These unauthorized people all tend to be smoking inside, which is prohibited.

The landlord submitted that he is afraid to attend the rental unit and all the neighbours keep calling him about the loud, raucous noises, drugs, and threats. The neighbours have informed the landlord that the tenant and his guests have terrified the neighbourhood, that there has been a constant flow of people congregating on the property, partying, swearing, yelling, and acting abusively and aggressively. One neighbour in particular fears for the safety of her young children.

The landlord submitted that the tenant or someone he has allowed on the property has destroyed some of the rental unit, such as a broken front door.

The landlord submitted photos of the broken front door and some of the unauthorized people coming and going from the property.

Analysis

In order to establish grounds to end the tenancy early under section 56 of the Act, the landlord must not only establish that he has cause to end the tenancy, but that it would be unreasonable or unfair to require the landlord to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the uncontradicted testimony and evidence of the landlord, I find that the landlord has met that burden.

I accept the landlord's undisputed evidence that the tenant or someone he has allowed on the property has put the landlord's property at significant risk.

I find the landlord submitted sufficient evidence that persons allowed on the property by the tenant have broken into the crawl space underneath the house, have pitched tents, and lit bonfires. I find it a reasonable conclusion that the home could very well burn down.

I also accept that the tenant has allowed large numbers of unknown people to live or congregate in the rental unit, exhibiting possibly dangerous behaviour, which has the likely potential of destroying or damaging the rental unit.

I also viewed the photos of the landlord and find they substantiate that the home itself has been damaged or in the case of the crawl space door, destroyed.

Due to the above, I therefore find that the landlord has proven that the tenant or someone he has allowed on the property has put the landlord's property at significant risk.

I am also satisfied that it would be unreasonable and unfair to the landlord to wait for the One Month Notice to End Tenancy to take effect, as I find without it, he is less likely to be able to preserve the property.

I therefore grant the landlord's application to end this tenancy early as well as his request to recover the filing fee paid for this application.

Conclusion

The landlord's application is successful. The tenancy ended this date, May 7, 2020.

The landlord is granted an order of possession effective two (2) days after service on the tenant. This order of possession granted pursuant to section 56 of the Act can be enforced under *Ministerial Order M089* issued March 30, 2020 pursuant to the State of Emergency declared on March 18, 2020.

I grant the landlord a monetary order for \$100.00, for the cost to file their application.

The landlord may choose to satisfy this monetary order by withholding the amount of \$100.00 from the tenant's security deposit. In that case, the monetary order is of no force or effect.

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: May 7, 2020

Residential Tenancy Branch