



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coast Foundation Society (1974)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. However, the Tenant did not appear. The Landlord stated that he served the Tenant with the Notice of Hearing and a USB stick full of evidence on May 13, 2020, by posting a copy to his front door. Pursuant to section 88 and 90 of the Act, I find the Tenant is deemed to have been served with this package 3 days after it was posted, on May 16, 2020.

The Landlord stated they followed up with the Tenant to ensure he could see the videos on the USB stick. However, the Tenant refused to try and view the files. I find the Landlord sufficiently served the Tenant with the evidence for the purposes of this hearing.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Does the Landlord have cause to end the tenancy early?

Background and Evidence

The Landlord stated that the Tenant is known to deal drugs in the building, and he has engaged in aggressive and threatening behaviour recently. More specifically, the Landlord provided video footage to show that, on April 19, 2020, the Tenant deployed pepper spray on another tenant at the side entrance to the building. The Landlord stated that this Tenant has also threatened to use pepper spray on other people in the building, including building security, since that time. The Landlord stated that the Tenant is also believed to sell drugs and his presence poses a significant safety concern for everyone in the building.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act 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.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; 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.

I have carefully considered the evidence and testimony and I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I specifically note the video provided by the Landlord showing the Tenant pepper spraying another individual outside the side entrance to the building. I find this, in conjunction with his threats to do it again, poses an immediate and severe risk to other occupants and the Landlord/property. As such, I find the Landlord is entitled to an order of possession, pursuant to section 56(1) of the Act.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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 27, 2020

Residential Tenancy Branch