



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 11122792 BC Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      ET FFL

### **Introduction**

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

- an early end to this tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover the filing fee from the tenant pursuant to section 72.

The tenant did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that they served the tenant with the notice of hearing and evidence by registered mail sent on May 22, 2020. The landlord provided a valid Canada Post tracking number as evidence of service. Based on the evidence I find that the tenant is deemed served with the landlord's materials on May 27, 2020, five days after mailing, in accordance with sections 88, 89 and 90 of the *Act*.

At the outset the landlord amended a typographic error in identifying the address of the rental unit. The corrected address is provided on this decision.

### **Issue(s) to be Decided**

Is the landlord entitled to an early end of the tenancy and Order of Possession?  
Is the landlord entitled to recover the filing fee from the tenant?

### Background and Evidence

This periodic tenancy began in November, 2019. The rental unit is a suite in a multi-unit building with 12 individual units. Monthly rent is \$650.00 payable on the first of each month. The tenant failed to pay a security deposit as required under the tenancy agreement.

The landlord submits that for the duration of this tenancy the tenant has behaved in a hostile and threatening manner with the other occupants and has verbally and physically threatened them on numerous occasions. The landlord gave evidence that the tenant has stockpiled garbage and debris in the common area of the rental property preventing access to fire escapes. The tenant has been told that this is a significant hazard to the occupants of the building and they have been issued fines and warnings from municipal authorities. The tenant has not amended their behaviour in accordance with these warnings and has engaged in hostile interactions with any attempts to clean the common areas.

The landlord described a particular incident where an occupant of the building was threatened at knifepoint by the tenant. The landlord gave evidence that this was part of a pattern of behaviour that has been ongoing throughout the tenancy. The landlord submitted into evidence photographs of the rental property, correspondence from municipal authorities and complaint letters regarding the tenant's behaviour.

### 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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.

I find that the landlord has provided sufficient evidence to show that the tenant has seriously jeopardized the safety of other occupants of the building and the landlord by blocking essential exits and physically threatening others. I find that uttering threats while brandishing a knife is an inherently dangerous act that jeopardizes the health and safety of others.

I accept the landlord's evidence that the hostile interactions have not been isolated incidents but characterize this tenancy. I further accept the landlord's submissions that this behaviour has been ongoing and escalating so that the landlord has legitimate concerns of further danger to the occupants of the building. I find that it would be unreasonable to allow the tenancy to continue and expose the other residents of the rental property to the danger posed by the tenant.

Pursuant to section 4(1) of the *Ministerial Order M089* issued March 30, 2020 pursuant to the State of Emergency declared on March 18, 2020, I find that it would be unreasonable for the landlord to wait for this state of emergency to end prior to receiving an Order of Possession to protect the health and safety of the residents of the rental property. Therefore, in accordance with section 4(1) of the Ministerial order and pursuant to section 56 of the *Act*, I find that the landlord is entitled to an Order of Possession.

Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

As the landlord's application was successful the landlord is entitled to recover the filing fee for this application. I issue a monetary award in the landlord's favour in the amount of \$100.00.

### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$100.00. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and 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: June 9, 2020

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Residential Tenancy Branch