



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ALLENDALE PROPERTIES 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 the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted via teleconference and was attended by the landlords. No one was in attendance on behalf of the tenants. The landlords submitted documentary evidence that the tenants were served notice of this application and this hearing by registered mail on May 22, 2020. Canada Post tracking information was submitted in the landlords' evidence. Based on the submissions of the landlords, I find the tenants were deemed served notice of this proceeding on May 27, 2020, pursuant to section 90 of the *Act*. Therefore, I continued in the absence of the tenants.

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

Is the landlord entitled to an early end of tenancy and an Order of Possession?

Is the landlord entitled to recover the filing fee for this application from the tenant?

### **Background and Evidence**

JW gave the following testimony on behalf of the landlords. JW testified that the tenancy was to be for a fixed term commencing on October 1, 2019 and ending on April 30, 2020. The monthly rent due on the first of each month is \$1700.00. The tenants paid a security deposit of \$850.00. JW testified that after an inspection in January 2020; the landlords observed some damage to the property that exceeded normal wear and tear. GW testified that he became concerned when the tenants stopped paying rent, bills and

had numerous damaged and abandoned vehicles on the property. The landlords conducted a further inspection and observed bullet holes and live ammunition casings around the property. The landlords became exceedingly concerned as there were children living on the property and an increase in criminal activity. JW testified that they had contacted the local police and were told not to go to the property without a police escort as the tenants are known to police. GW testified that the police advised that the tenants are armed and considered very dangerous. The landlords observed more damage to the property and are concerned that the property is at significant risk. The landlords filed an application for the following reason:

*“This is an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord and I want an order of possession.”*

### 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. 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.*

The landlords provided extensive documentation and undisputed testimony to support their application. The landlords have provided sufficient evidence to show that the tenants are an immediate and severe risk to the property and that it would be unfair and unreasonable for the landlords to wait for a notice to end the tenancy under section 47 of the Act, accordingly; I hereby grant the landlords an order of possession pursuant to section 56 of the Act, the tenancy is terminated.

The landlord is also entitled to retain \$100.00 from the security deposit in full satisfaction of the claim for the recovery of the filing fee for this application.

### Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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 15, 2020

---

Residential Tenancy Branch