



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 tenant. The landlords submitted documentary evidence that the tenant was served notice of this application and this hearing by registered mail on May 7, 2020. Canada Post tracking information was submitted in the landlord's evidence. Based on the submissions of the landlords, I find the tenant was deemed served notice of this proceeding on May 12, 2020, pursuant to section 90 of the *Act*. Therefore, I continued in the absence of the tenant.

Issue(s) to be Decided

Are the landlords entitled to an early end of tenancy and an Order of Possession?
Are the landlords entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlords gave the following testimony. The tenancy began on May 1, 2019. The monthly rent of 1300.00 is due on the first of each month. The tenant paid a security deposit of \$650.00 at the outset of the tenancy. TD testified that the tenant has caused severe damage to the suite including; broken bedroom window, basement door, tearing the outer door right off the hinges, tying ropes across doors causing security and access concerns, and other miscellaneous damages. TD testified that the tenant threatened to hit him. MD testified that the tenant has extremely erratic behaviour. MD testified that

the police have been called numerous times. MD testified that the tenant has meth pipes laying around her suite and is often under the influence of drugs which exacerbates the situation. The landlords are concerned for their teenage children, their own safety and the safety of the home. The landlords filed this application on the basis that *“The tenant poses an immediate and severe risk to the rental property, other occupants or the landlord”*

The landlords request an early end of the tenancy and 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.

Based on the undisputed testimony and documentation of the landlords and on a balance of probabilities, I am satisfied that the tenant put the landlord’s property at significant risk and is a threat to the landlords and their family. I also find that it would be unreasonable or unfair to the landlord to wait for a notice to end the tenancy under

section 47 of the Act. Pursuant to section 56(1) of the Act, I hereby grant an early end to the tenancy and grant the landlord an order of possession.

As the landlords have been successful in their application, the landlords are entitled to retain \$100.00 from the security deposit for the full recovery of the filing fee.

Conclusion

The landlords are 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 01, 2020

Residential Tenancy Branch