



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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.

The landlords participated in the teleconference, the tenant did not. The landlords gave affirmed testimony and documentation that they served the tenant the Notice of Hearing package for this hearing by registered mail on May 20, 2020 and also served the tenant by way of posting the Notice of Hearing package on his door in the presence of a witness on that same day. I am satisfied that the landlord has acted in accordance with section 89 of the Act and that the tenant has been deemed served on May 25, 2020 pursuant to section 90 of the Act. The hearing proceeded and completed in the absence of the tenant.

Issue(s) to be Decided

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

Background and Evidence

SF gave the following testimony. The tenancy began on January 1, 2020. The monthly rent of \$1100.00 is due on the first of each month. SF testified that the tenant became problematic immediately after moving in. SF testified that the tenant was loud and abusive toward another tenant. SF testified that she received numerous complaints of noise, screaming, foul language and threats about the subject tenant. SF testified that she attempted to assist the tenant and see if she could help resolve the problems, but to

no avail. SF testified that the tenant threatened an elderly and sickly tenant in another suite. SF testified that the tenant and his friends threatened physical harm to that tenant who has been fearful since that event. JF testified that the tenant told her “ I’ll put a bullet in your head”.

SF testified that the tenant made threats that he had bed bugs and would burn the mattress. SF testified that they are concerned about what the tenant might do to the building. SF testified that they have been living in fear and unable to sleep for the past four months. The landlords are concerned for the safety of other tenants, their own safety and the safety of the property. 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 to 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 extensive 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 other tenants. I also find that it would be unreasonable or unfair to the landlords 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.

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 05, 2020

Residential Tenancy Branch