



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ABORIGINAL HOUSING SOCIETY OF PRINCE GEORGE  
and [tenant name suppressed to protect privacy]

## **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.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenant confirmed that he received the landlord's documentary evidence. The tenant did not submit any documentation for this hearing.

### Issue(s) to be Decided

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

### Background and Evidence

The landlord gave the following testimony. The tenancy began in 2014 with a current monthly rent of \$606.00 due on the first of the month. The landlord testified that the tenant is unable to control his female friend who is on the property on a very regular basis. The landlord testified that the female friend has been observed defecating on the property, attempting to break into other suites and physically lunging and threatening the landlord. The landlord has also received numerous complaints that the tenant is selling drugs out of his unit.

The landlord testified that the police have attended on numerous occasions and that despite giving the tenant many written and verbal warnings, he and his guest have not

corrected their behaviour. The landlord testified that because of the tenant and the ongoing issues of his female friend and his behaviour, another tenant moved out. The landlord testified that she is afraid to attend to the property as she fears that the tenants' female friend will escalate the physical threats. The landlord filed an application for the following reason: "*Tenant is posing an immediate and severe risk.*" The landlord seeks an early end of tenancy and an order of possession.

The tenant gave the following testimony. The tenant testified that he was just trying to help out the woman and didn't think things would become so bad. The tenant testified that he doesn't dispute the landlord's testimony but would still like to continue his tenancy.

### 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 tenant did not dispute the actions of his guest or dispute any of the landlord's testimony or documentation. The tenant testified that he was trying to be a good person and to help someone out. I find that the tenant and his female friend pose a severe an

ongoing threat to the physical well being of the landlord and their property. Based on the landlord's documentation, testimony and the tenant not disputing the landlords claim, I hereby grant the landlord an order of possession pursuant to section 56 of the Act. The tenancy is terminated.

### 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: July 06, 2020

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Residential Tenancy Branch