



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 landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for an order to end the tenancy early and receive an order of possession due to health or safety reasons under section 56 of the Act.

The landlords and an agent for the landlords BC (agent) attended the teleconference hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me. The hearing process was explained and an opportunity to ask questions was provided to the landlords and agent. Words utilizing the singular shall also include the plural and vice versa where the context requires.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding dated June 22, 2020 (Notice of Hearing), the application and documentary evidence were considered. The agent provided affirmed testimony that the Notice of Hearing, application and documentary evidence were served on the tenant by posting to their door. Documents posted to the door are deemed served three days after they are posted or mailed pursuant to section 90 of the Act. I find the tenant was deemed served on June 25, 2020 and as they did not attend the hearing, I consider this matter to be unopposed by the tenant and the hearing continued without the tenant present in accordance with the Rules of Procedure.

Preliminary and Procedural Matter

The agent confirmed the landlords' email address and confirmed that they did not have an email address for the tenant. The agent confirmed their understanding that the decision and order of possession would be emailed to the landlords.

Issue to be Decided

- Are the landlords entitled to end the tenancy early and obtain an order of possession for health or safety reasons under section 56 of the Act?

Background and Evidence

The agent testified that on May 28, 2020, the RCMP executed a search warrant and arrested the tenant. The agent referred to a Court Services Online printout confirming that the tenant is facing 15 criminal charges including but not limited to Assault with a Weapon x 2, Possession of a Firearm contrary to order x 4, Possession of Weapon for Dangerous Purpose, Breach of court orders x 4, Loaded weapon with ammunition related to a prohibited or restricted weapon and other offences.

The agent stated that they were advised prior to the search warrant to leave the home for their safety, and that the Emergency Response Team, many RCMP vehicles, and 2 police helicopters attended the scene for the arrests of the tenant and their associates from the rental unit.

The landlords are very concerned for their safety and also provided many media articles regarding this event that was highly publicized in the news. The landlords are unsure if the tenant continues to occupy the rental unit and as a result, is requesting an early end of the tenancy under section 56 of the Act and an order of possession.

Analysis

Based on the undisputed testimony and undisputed evidence presented during the hearing, and on a balance of probabilities, I find and I am satisfied that the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord and has committed many illegal acts noted above that have jeopardized the landlords' lawful rights.

Section 56 of the Act applies and states:

Application for order ending tenancy early

56(1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
- (b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

(ii) **seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;**

(iii) put the landlord's property at significant risk;

(iv) **engaged in illegal activity that**

(A) has caused or is likely to cause damage to the landlord's property,

(B) 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, or

(C) **has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;**

(v) caused extraordinary damage to the residential property, and

(b) **it would be unreasonable, or unfair to the landlord 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.**

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

[Emphasis added]

I am also satisfied that it would be unreasonable and unfair to the landlords to wait for a notice to end tenancy under section 47 of the Act. I find the actions of the tenant and the

documentary evidence before me to support that the tenant has committed many criminal acts and is currently facing 15 criminal charges.

Therefore, pursuant to section 56 of the Act, I grant the landlords an order of possession for the rental unit effective not later than **two (2) days** after on the tenant. I find the tenancy ended the date of this hearing, July 7, 2020 pursuant to sections 56 and 62(3) of the Act.

Conclusion

The landlords' application is successful.

The tenancy ended this date, July 7, 2020.

The landlords are granted an order of possession effective two (2) days after service on the tenant.

This decision will be emailed to the landlords and sent by regular mail to the tenant. The order of possession will be emailed to the landlords for service on the tenant. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: July 7, 2020

Residential Tenancy Branch