



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An early end to the tenancy and an order of possession - Section 56; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. I accept the Landlord’s evidence that the Tenants were served in person on July 7, 2020 with the application for dispute resolution and notice of hearing in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to end the tenancy without issuing a notice to end tenancy for cause?

Background and Evidence

The tenancy under written agreement started on March 1, 2020. Rent of \$2,400.00 is payable on the first day of each month. The Landlord states that the Tenants broke two doors at the unit that has since been repaired by the Landlord. The Landlord states that the Tenants have persons in tents in the backyard. The Landlord states that the local newspaper reported that the police found drugs, weapons and stolen items at the unit. The Landlord states that when it went to collect rent for July 2020 the Tenants became angry and threatened to burn down the unit. The Landlord states that the police were

called however the police told the Landlord to contact the Residential Tenancy Branch in relation to the matter. The Landlord states that it did not serve the Tenants with a one month notice to end tenancy for cause because it did not realize it could. The Landlord states that in June 2020 the Tenants have also been given a two month notice to end tenancy for landlord's use with an effective date of September 14, 2020. The Landlord provided no supporting evidence for its application.

Analysis

Section 56(2) of the Act provides that 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.

Given the lack of any supporting evidence of severe or immediate risk to anyone or anything and as there is no evidence that the Landlord could not have served the Tenants with a one month notice to end tenancy for cause, I find that the Landlord has not provided sufficient evidence to be entitled to end the tenancy early. I therefore dismiss the Landlord's application.

Conclusion

The application is dismissed.

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.

Dated: August 10, 2020

Residential Tenancy Branch