



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 order of possession for an early end to the tenancy pursuant to section 56;

The hearing was conducted by conference call. The tenants did not attend this hearing, although I waited until 10:02 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to provide testimony, to present evidence and to make submissions.

The landlord testified that at 9:15 p.m. on July 23, 2020, a copy of the Application for Dispute Resolution and Notice of Hearing was personally served on the tenant J.L. and she was also provided with a copy for the other tenant who is her daughter. The landlord testified the serving of the application was witnessed by an RCMP officer.

Based on the above evidence, I am satisfied that the tenants were served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenants.

Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

Background & Evidence

The rental unit is a two bedroom unit in an apartment. The tenancy began November 15, 2019 and the monthly rent is \$750.00 payable on the 1st day of each month.

The landlord testified that in mid-July, the main tenant J.L., who is the mother, chased her daughter C.L., out of the apartment into the hallway with a knife. The daughter called the police and the mother was arrested. The landlord testified that a couple days after the above incident, the entrance door to the unit was kicked in and the door was broken. The landlord testified the tenants then proceeded to replace their rental unit door with the laundry room door they took from the common area of the apartment. As a result, the laundry room was broken into, the coin holder stolen, and the washer and dryer were damaged. The landlord testified the laundry room door did not even properly fit on the unit and two days later it was removed by the tenants and their apartment has been left without a door since. The landlord submits this also makes the apartment vulnerable to damage.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in significant risk;
- engaged in illegal activity that:
 - has caused or is likely to cause damage to the landlord's property;
 - 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
 - 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.

I find the evidence supports a finding that the tenants have put the landlord's property in significant risk and caused extraordinary damage by kicking in the apartment door and subsequently removing the laundry room door. In the circumstances I find it would be

unreasonable, or unfair to the landlord to wait for a One Month Notice for cause to take effect.

Accordingly, I find that the landlord is entitled to an order for possession effective immediately after service on the tenants.

Conclusion

I grant an Order of Possession to the landlord effective **immediately** after service of this Order on the tenants. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of 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 *Residential Tenancy Act*.

Dated: August 06, 2020

Residential Tenancy Branch