



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET,

Introduction

On October 1, 2020, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy and an order of possession for the rental unit.

The matter was set for a conference call hearing. The Landlord attended the hearing; however, the Tenants did not. The line remained open while the phone system was monitored for twenty-two minutes and the Tenants did not call into the hearing during this time.

The Landlord provided affirmed testimony that he served the Tenants with the Notice of Dispute Resolution Proceeding by posting the Notice on the Tenants’ door on October 10, 2020. The Landlord testified that he later spoke to the Tenant in person about the hearing and that the Tenant confirmed that she had received notice of the hearing.

Based on the affirmed testimony before me, I find that the Tenants were served with notice of this hearing in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Background

The Landlord testified that the tenancy began on July 1, 2020 and is on a month to month basis. Rent in the amount of \$1,500.00 is due to be paid to the Landlord by the first day of each month. The Landlord testified that the Tenant paid the Landlords a security deposit of \$750.00. and a pet damage deposit of \$750.00.

On October 1, 2020, the Landlord applied for dispute resolution seeking an early end to the tenancy and an order of possession for the rental unit.

The Landlord provided testimony that the Tenants have been involved in serious domestic violence incidents at the rental unit over the past four months.

The Landlord testified that the Tenants engage in physical fights that have resulted in injuries to each other and noise disturbances to the Landlord who lives above the rental unit. The Landlord also testified that there is damage to the rental unit.

The Landlord testified that the fighting is very loud and violent, and the Landlord has called the police at least a dozen times. He testified that the female Tenant came to the Landlords' door at 3:00 am crying for help. He testified that observed blood from a knife cut on the male Tenant's hand as a result of the fighting.

The Landlord testified that there have been 25 to 35 of these domestic fighting incidents since the tenancy began. The Landlord testified that the fights and noise are so loud and very disturbing to the Landlord. The Landlord testified that the fighting has also resulted in damage to the unit. The Landlord provided photographs showing damage to the rental unit.

The Landlord is seeking to have the tenancy ended and get an order of possession for the rental unit.

Analysis

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the *Act*, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by 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 interest 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,
- 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, and,
- 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 to take effect.

Based on the affirmed testimony and documentary evidence before me I make the following findings:

I accept the Landlord's evidence that the Tenants have engaged in numerous domestic incidents that have unreasonably disturbed the Landlord and has also caused damage to the rental unit.

Based on the seriousness and frequency of the incidents, I find that it would be unreasonable for the Landlord to wait for a notice to end the tenancy under section 47 to be issued and take effect.

The Landlord's application for an early end of tenancy and an order of possession for the rental unit is granted. I am ordering that the tenancy will end immediately.

I find that the Landlord is entitled to an order of possession, effective two days after service on the Tenants pursuant to section 56 of the Act. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The Tenants have unreasonably disturbed the Landlord and it would be unreasonable, or unfair to the Landlords, to wait for a notice to end the tenancy under section 47 to take effect.

The tenancy is ending immediately.

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

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: November 23, 2020

Residential Tenancy Branch