



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0957101 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. However, the Tenants did not appear. The Landlord stated that they served the Tenant with the Notice of Hearing and evidence on October 7, 2020, by posting a copy to his front door. Proof of service documents show the Landlord brought a third party witness. Pursuant to section 88 and 90 of the Act, I find the Tenants are deemed to have been served with this package 3 days after it was posted, on October 10, 2020.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. 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.

Issue(s) to be Decided

- Does the Landlord have cause to end the tenancy early?

Background and Evidence

The Landlord stated that the Tenants have completely ruined the property, the house, and it will cost many thousands of dollars to fix what has happened. More specifically, the Landlord stated that when they went to check on the house recently, they noted that

the house was mostly abandoned, except for some garbage, a few personal items, and 3 large dogs (roaming free inside the house). The Landlord took photos (provided into evidence), which were taken from outside the house, looking in. The Landlord stated they were unable to enter the house because the Tenant's dogs are aggressive. As per the photos provided, the Landlord stated that the Tenants have used the house as a place to leave their dogs, without supervision, for days and weeks at a time. The Landlord stated that the Tenants threatened them by saying that if the SPCA was called, there would be serious repercussions. The Landlords feel their only option is to end the tenancy and mitigate what is happening. The Landlords stated that the 3 dogs, currently living in the house alone, are chewing large holes in all the walls, and urinating all over the floors, such that the floors are warping. The Landlords stated that each day that passes, the dogs destroy more and more of the house.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; 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.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour (and the damage caused by their dogs) is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the damage being caused to the house by the Tenants' unsupervised dogs poses an

immediate and severe risk to the Landlord's property. As such, I find the Landlord is entitled to an order of possession.

As the Landlord's application was successful, and pursuant to section 72 of the *Act* I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00. I authorize** the landlord to retain \$100.00 from the tenant's security deposit in full satisfaction of the recovery of the cost of the filing fee.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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 06, 2020

Residential Tenancy Branch