



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding JMR RENTALS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing, the tenant did not. The landlord gave sworn testimony that he served the tenant notice of this hearing, the application and evidence personally and in the presence of a witness on November 16, 2020. Based on that, I find that the tenant was served in accordance with section 89 of the *Act*, and the hearing proceeded and completed on that basis.

### Issue(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?  
Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

This tenancy began on December 15, 2019. According to the terms of the written tenancy agreement between the parties, the monthly rent of \$950.00 is due on the first of each month. The landlord presently holds a security deposit of \$475.00.

The landlord testified that the tenant replaced a toilet without his knowledge or authorization with an unqualified plumber. The toilet replacement caused a sewer backup and flooded the subject unit and the adjacent unit with three inches of sewer water. The landlord testified that he now has an insurance claim open and that the

damage is in excess of \$80,000.00. The landlord testified that the unit is not sanitary for occupation and must be empty to remediate the damages. The landlord testified that the tenant refuses to allow the restoration company to conduct their work. The landlord has filed this application on the basis that the tenant has:

*Put the landlord's property at significant risk.*

### Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an Order of Possession under section 56, I need to be satisfied that 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 interests 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;*
- *engaged in illegal activity that 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;*
- *engaged in illegal activity that 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, the tenant 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.*

The landlord provided undisputed testimony and documentary evidence to support his claim. I find that the landlord has met both elements as noted above to be granted an Order of Possession, accordingly; I find that the tenancy is terminated and that the landlord is entitled to an Order of Possession. The landlord is also entitled to retain \$100.00 from the security deposit in full satisfaction of his claim to recover the filing fee for this application.

Conclusion

The landlord is granted an Order of Possession, the tenancy is terminated.

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: December 10, 2020

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Residential Tenancy Branch