



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlords' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act [landlord's notice for cause]; and
- for recovery of the filing fee.

The landlords attended; however, the tenants did not attend.

The landlords stated that each tenant was served with their application for dispute resolution and Notice of Hearing on December 11, 2020, one day after the Notice of Hearing was made available to them. The landlord provided video evidence that each envelope was put through the tenants' mail slot.

I accept the landlords' evidence that the tenants were served notice of this hearing in a manner complying with section 89(2) of the Act and the hearing proceeded in the tenants' absence.

The landlords were provided the opportunity to present their affirmed testimony and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules). However, not all details of the submissions are reproduced here; further, only the evidence specifically referenced and relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Are the landlords entitled to end this tenancy early without the requirement of a One Month Notice to End Tenancy?

Are the landlords entitled to an Order of possession and to recover the filing fee?

Background and Evidence

The landlord submitted a written tenancy agreement showing a tenancy start date of January 17, 2019, on a month-to-month basis, monthly rent of \$2,400, due on the 17th day of the month, and a security deposit of \$2,400 being paid by the tenants to the landlords.

In support of their application, the landlords submitted that the tenants, primarily tenant MG, have damaged the property and committed violent acts. In particular, the tenants submitted that MG has smashed in car windows, the fence on the property, and knocked over a lamppost, which was bolted into a cement pad.

The landlords submitted photographs of the damaged property.

The landlords submitted that there have been instances of domestic abuse.

The landlords submitted that the police have been called to the rental unit, and that eight cars responded. It was necessary for the police to taser MG to subdue him enough to be detained.

The landlords submitted also that the neighborhood safety group have become fearful for their own safety due to the violent outbursts of the tenants.

The landlords submitted that they are fearful of the tenants due to their violent behavior and do not know the extent of damage inside the rental unit.

The landlords' additional relevant evidence included a video of MG in his underwear smashing a car window with his foot and another instrument, the number of the police incident report and the texts of the neighborhood safety group.

Analysis

In order to establish grounds to end the tenancy early under section 56 of the Act, the landlords must not only establish that they have cause to end the tenancy, but that it would be unreasonable or unfair to require the landlords to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the uncontradicted testimony and evidence of the landlords, I find that the landlords have met that burden.

Based on the undisputed testimony provided during the hearing, the undisputed evidence, and on a balance of probabilities, I am satisfied that the tenants have seriously jeopardized the health or safety or a lawful right or interest of the landlord and have put the landlords' property at significant risk per section 56 (2)(ii) and (iii).

I find the video, photographic and all other evidence before me supports that the actions of the tenants have caused serious, visible damage to the property and that this action by the landlords was necessary to preserve the remaining property.

I find the unopposed fact that eight police cars had to attend the rental unit due to the violent behaviour of the tenant, which called for him to be tasered, substantiates they have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

Therefore, pursuant to section 56 of the Act, I grant the landlords an order of possession for the rental unit effective not later than **two (2) days** after service on the tenant. I find the tenancy ended the date of this hearing, December 22, 2020, pursuant to sections 56 and 62(3) of the Act.

Conclusion

The landlords' application is successful.

The tenancy ended this date, December 22, 2020.

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

This order may be enforced through the Supreme Court of British Columbia.

I grant the landlords a monetary order for \$100, the cost to file their application.

The landlords may choose to satisfy this monetary order by withholding the amount of \$100 from the tenants' security deposit. In that case, the monetary order is of no force or effect.

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 22, 2020

Residential Tenancy Branch