



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 participated in the teleconference, the tenant did not. The landlord gave sworn testimony that he served the tenant notice of this hearing on December 30, 2020 by personally serving the tenant in the presence of a police officer. The landlord testified that the tenant was also served with all the evidence at that same time. The landlord provided a video to support this. Based on the above, I find that the tenant was served notice of this hearing 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

The landlord gave the following undisputed testimony. The landlord testified that the tenancy began on September 1, 2020. The landlord testified that the monthly rent of \$1400.00 is due on the first of each month. The tenant paid a security deposit of \$700.00 which the landlord holds. The landlord applied to have this tenancy end on an emergency basis for the following reason:

This is an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord

The landlord testified that on November 30, 2020 the tenant smashed three windows of the upstairs unit and uttered threats to the upstairs tenant threatening to harm them to break into the upper unit. The subject tenant was taken to the hospital and held under the Mental Health Act for two weeks. The landlord testified that after the tenant was released his behaviour further worsened. The landlord testified that the tenant was brandishing weapons in the yard and in his unit, posting videos of himself on YouTube. The landlord testified that the tenant continued with his threatening and aggressive behaviour and is fearful of personal harm and damage to the property.

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.

Based on the extensive documentation before me and the undisputed testimony of the landlord, I am satisfied that the tenant does pose a threat to other occupants, the landlord and the property, **and** that it would be unfair and unreasonable for the landlord to wait for a notice to end the tenancy under section 47 of the act; accordingly, I grant

the landlord an order of possession. The landlord is also entitled to retain \$100.00 from the security deposit for the recovery of 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: January 12, 2021

Residential Tenancy Branch