



# Dispute Resolution Services

Page: 1

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* ("Act") for an Order of Possession for Landlord's Use pursuant to section 55 and to recover the filing fees from the tenants pursuant to section 72.

The tenants did not attend this hearing, which lasted approximately 20 minutes. The landlord attended with their agent and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated December 26, 2020 and evidence was sent to the tenants by registered mail sent on January 2, 2021 as well as personally on an adult residing in the rental unit on that date. The landlord provided a valid Canada Post tracking receipt as evidence. In accordance with sections 89 and 90 of the *Act*, I find that the tenants are deemed served with the landlord's application on January 7, 2021, five days after its mailing.

At the outset of the hearing the landlord corrected a typographical error in their own name used in the application. The corrected name is used in the style of cause of this decision.

### Issue(s) to be Decided

Is the landlord entitled to an early end of the tenancy and Order of Possession?  
Is the landlord entitled to recover their filing fee from the tenants?

### Background and Evidence

The landlord assumed this tenancy when they purchased the property in September 2020. The monthly rent is \$1,000.00 payable on the first of each month. No deposit was collected for this tenancy. The rental unit is the lower portion of a detached home with other occupants residing in the main floor unit.

The landlord submits that the tenants have been involved in multiple police incidents on the premises, have left the yard and common areas in an unsightly and dangerous condition, have engaged in aggressive confrontations with the occupants of the upstairs suite and have damaged the electrical wiring of the rental property and broken into the upstairs suite, mailboxes, and storage areas on multiple occasions. The landlord submitted into evidence photographs and witness statements from neighbors regarding the behaviour of the tenants.

### 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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 evidence, I find that the landlord has provided sufficient evidence to show that the tenant has unreasonably disturbed the other occupants of the property and their behaviour is a source of seriously jeopardy to the health and safety of others.

I find that the act of breaking into the living quarters of other occupants of the property as well as aggressive confrontations to be inherently acts that cause jeopardy to the health and safety of others and to unreasonably disturb them. I am satisfied with the landlord's evidence by way of their detailed testimony and documentary materials in support that the incidents cited are not aberrations but part of a pattern of behaviour that makes the rental property a dangerous and uncomfortable place for other occupants.

Given the nature of the disturbances, and the landlord's testimony that they have had escalating complaints from other occupants and neighbors surrounding the property, I find that it would be unreasonable and unfair to the other occupants of the rental unit to allow this conduct to continue and to wait for a notice to end tenancy under section 47 to take effect.

Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the Act.

As the landlord was successful in their application, they may also recover their filing fee from the tenants. I issue a monetary award in the landlord's favour in the amount of \$100.00, accordingly.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$100.00. The tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and 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: January 21, 2021

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Residential Tenancy Branch