



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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.

The landlord had three representatives participate in the hearing, the tenant did not participate. The representatives provided sworn and written evidence that the tenant was personally served the Notice of Hearing Documents and Application on January 21, 2021. The tenant acknowledged and signed that he had accepted the package, on that basis the hearing proceeded and completed. The representatives at the hearing were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Issues(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?

Background and Evidence

This tenancy began on March 15, 2016. The tenant pays \$375.00 a month for rent. KO testified that on the late hours of January 4, 2021 the tenant sexual assaulted another tenant in the complex. KO testified that the police attended and that the tenant has been criminally charged. KO testified that the victim is severely traumatized and that other residents have been too fearful to submit a written statement for this hearing. CL testified that the tenant is also dealing drugs on the premises. CL testified that many of the tenants are afraid of the tenant as well as staff members. KO testified that they have made this application for the safety and well being of all tenants. JP testified that the tenant has a no contact order with the victim but is insufficient under the circumstances.

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 three representatives for the landlord, I find that the tenant has seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant and 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, **and** the landlord has provided sufficient evidence to show that it would be unfair and unreasonable to wait for a notice to end the tenancy under section 47 of the *Act*, accordingly; I grant the landlord an order of possession pursuant to section 56 of the *Act*.

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: February 02, 2021

Residential Tenancy Branch