



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Nanaimo Affordable Housing  
Society and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for an early termination of the tenancy and an Order of Possession pursuant to section 56 of the Act.

Two agents for the Landlord, J.S. and A.B., appeared at the teleconference hearing and gave affirmed testimony. No one attended for the Tenant. The teleconference phone line remained open for over 20 minutes and was monitored throughout this time. The only people to call into the hearing besides me were the Agents, who indicated that they were ready to proceed. I have also confirmed that the teleconference codes provided to the Parties were correct and that the only people on the call, besides me, were the Agents.

The Agents submitted evidence that indicated that they served the Tenant with their Application and documentary evidence in person on March 24, 2021. The Landlord submitted a proof of service document setting out these details, and that a staff member, J.R., witnessed the service. As a result of this evidence and pursuant to sections 89 and 90 of the Act, I find that the Tenant was deemed served with the Application and Notice of Hearing documents pursuant to the Act.

I explained the hearing process to the Agents and gave them an opportunity to ask questions about the hearing process. During the hearing the Agents were given the opportunity to provide their evidence orally and respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure; however, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Preliminary and Procedural Matters

The Agents provided their email address in the Application and they confirmed this in the hearing. They also provided the Tenant's email address in the hearing. Further, the Agents confirmed their understanding that the Decision would be emailed to both Parties and any Orders sent to the appropriate Party.

### Issue(s) to be Decided

- Is the Landlord entitled to an order of possession based on the early termination of the tenancy in accordance with section 56 of the Act?

### Background and Evidence

The Agents submitted a tenancy agreement signed by the Parties, and they confirmed the following details of the tenancy. The periodic term tenancy began on July 21, 2015, with a monthly rent of \$715.00, due on the first day of each month. The Landlord confirmed that the Tenant paid the Landlord a security deposit of \$375.00, and no pet damage deposit.

The Agents submitted evidence, which included a letter to the Tenant about the reasons for applying for an expedited hearing. The Agent, A.B., said in this letter:

[The Tenant] is posing a significant risk to life and safety to the other 24 families and children residing in the units at [residential property address].

As landlord of this property, [the Tenant] has demonstrated that she is not able or willing to conduct/control her and her guests' behaviours in the complex – the recent actions of guests on the property have removed any feeling of safety for tenants on the property. Her conduct shows a disregard for the basic rights of other tenants, staff, and the property itself.

While ending a tenancy is our last and least favourable option, the safety and wellbeing of all other tenants and staff trumps any one individual's housing when those behaviours risk the housing and safety of the other 24 families with children. It is our responsibility to ensure the safety of **ALL** tenants at the property and on one person should be afforded the ongoing right to risk others' lives nor general wellbeing and housing. .

[emphasis in original]

In the hearing, the Agent, J.S., said:

In the evidence that we provided, there are indications of activity on the property, activity between three, but now two units. In the evidence package. Units 3, 5, and 6 are noted in almost all of the reports. Unit 6 was evicted separately, but has since been commonly seen on the property visiting unit 5. There's a very complex dynamic, but there's lots of reports of drug activity and harassment, physical assaults; those all justify, in our opinion, the need for the expedited eviction process and the order of possession, so that we can return some normalcy to this family housing complex. Which is twenty-five units.

In the hearing, the Agent, A.B., said:

I have witnessed drug activity in unit 5. I was delivering notices and doing garbage pick up, and making connection with the tenants one day. The police and the MLA have been notified, the matter has even been in the news, because tenants are so distraught about their children. [On this day] I saw a man walk from unit 3 to 5, the door was wide open. I asked if he knew the whereabouts of the Tenant and he said she was sleeping. There was a toddler in diapers interacting with this man. The man grabbed a handful and walked out with handful of joints that he couldn't hold in one hand. Crack pipes have been photographed. It's an ongoing issue.

BC Housing has helped to support having [H.] Security on site from 7 p.m. to 5 a.m. daily. There are daily report we've had for months. The tenants are going through hell. 27 units in the property – 25 - families from 2 to 6. It's a pretty large population that is affected by these activities. A large population of children. There are two families with 9 or 10 children – just two families.

The Agents submitted reports of incidents that occurred in the residential property. The names of the parties have been redacted from the reports. These reports include:

January 20, 2021: I have filed a harassment file with the police because of the incident that just occurred in the parking lot. The file # [police file number].

February 1, 2021: Wanted to advise tenant in [rental unit # redacted] claims to have had a gun pulled on them, by people visiting units 3, & 5, whom he claims are drug dealers. Police have also been contacted.

February 6, 2021: I am sorry to bother you and I know we all have other things to do

besides reporting and complaining about Units 3, 5 and 6. Since Security has been in place and patrolling people are using the back entrances to enter units and leave them including jumping over the back fence.

[Redacted] camera alert went off a few times last night and this morning to a white male and white female who have been entering the back entrance of Unit 3 and I have been seeing them floating around here for well over a week now.

[Redacted] they kept entering Unit 3 and walking towards Unit 5 area. I also saw 2 white males jumping the fence to exit the premises.

Unit 1 was taking videos of people and the Police were here at Unit 6 again and they are here a lot regarding Unit 6. As well as there have been drug over doses and that is part of another email I started last week that I haven't finished. I am sure you are well aware of that situation.

I think things are starting to escalate and they are finding ways to avoid security to go unnoticed by using the back entrances and jumping the fences.

This behaviour does effect people's quality of life as well as safety and well being.

[reproduced as written]

The reports included further entries relating to the rental unit on February 10, 11, and 12, 2021.

### Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on a balance of probabilities, I find the following.

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

I accept the Agents' undisputed evidence that the Tenant or someone she has allowed on the property significantly interfered with or unreasonably disturbed another occupant and the Landlord of the residential property.

I find such activities, along with the police having to be called to the residential property multiple times would cause the Landlord, and the other tenants to be unreasonably disturbed. Due to these conclusions, I therefore find that the Landlord has proven that the Tenant has significantly interfered with or unreasonably disturbed other occupant(s) and the Landlord.

I am also satisfied that it would be unreasonable and unfair to the Landlord and other tenants to wait for the One Month Notice to End Tenancy to take effect. I, therefore, grant the Landlord's Application to end this tenancy early, pursuant to section 56 of the Act.

### Conclusion

The Landlord's Application is successful, as the Landlord's Agents provided sufficient evidence to establish that the Tenant or persons permitted on the residential property by the Tenant have significantly interfered with or unreasonably disturbed other occupants and the Landlord of the residential property.

The Landlord is granted an Order of Possession effective **two days after service** on the Tenant. The Landlord is provided with this Order in the above terms and the Tenant must be served with **this Order** as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia 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: March 29, 2021

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Residential Tenancy Branch