



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 testified and supplied documentary evidence that he served the tenant with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on February 18, 2021 and deemed received under the Act five days later. I find the tenant has been deemed served in accordance with section 89 and 90 of the Act on February 23, 2021.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

Issues(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. This tenancy began on June 1, 2020. The tenant is responsible for paying monthly rent of \$1100.00 in advance on the first of each month. The tenant paid a security deposit of \$550.00 which the landlord still holds. The landlord requests an early end of tenancy and an order of possession for the following reasons as noted on their application:

Tenant and her occupant are constantly fighting in the rental unit. They make significantly violent noises and serious cries for help that bring the police/ambulance. Her occupant broke a door that would allow them to easily enter and to attack the landlords and others. They vandalize the property, are difficult to reason with, and make intimidation against others. Their lifestyle attract wild animals that can bite and be harmful to health, and smoking habit messes up fire warning system.

The landlord testified that the tenant has been a problem since she moved in. The landlord testified that the tenant and her boyfriend argue so much that the police and paramedics have attended on at least three occasions. The landlord testified that he has warned the tenant every month when he picks up the rent. The landlord testified that he advised the tenant in January 2021 that he wouldn't give her any further chances if her behaviour didn't improve. The landlord testified that the tenant's behaviour got worse. The landlord testified that the tenant and her boyfriend have intimidated and threatened other tenants as well as his own family and they fear for their safety.

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.

The landlord submitted documentation and undisputed testimony for this hearing. Based on the evidence before me, and in the absence of any disputing evidence, I find that the tenant has “*significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property*” **and** it would be unreasonable or unfair to the landlord or other occupants to wait for a notice under section 47 of the Act to take effect, accordingly; the landlord is granted an order of possession, the tenancy is terminated.

As the landlord has been successful in this application, they are entitled to the recovery of the \$100.00 filing fee. I order that the landlord is entitled to retain that amount from the security deposit in full satisfaction of that claim.

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: March 11, 2021

Residential Tenancy Branch