



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.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony and arguments. The tenant confirmed that they received the landlord's documentation. The tenant did not submit any documentation for this hearing.

Issues(s) to be Decided

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

Background and Evidence

The landlord gave the following testimony. This tenancy began "eight or nine years ago". The landlord testified that in February 2021 a pipe in the tenant's suite burst causing a major water leak issue. The landlord testified that the plumbers were unable to access the damaged pipe because of all the items that the tenant is hoarding in her suite. The landlord testified that the plumbers cannot do their job properly as they cannot access the area in a safe and effective manner. The landlord testified that despite making numerous requests and giving the tenant numerous warnings, the tenant's suite is still in disarray.

The landlord testified that the plumbers will not return to do the work until the unit is cleaned up and safe for them to conduct repairs. The landlord testified that the tenant's actions have put the building at risk as well as that of other occupants. The landlord

testified that they have had to bypass this section of the building to stop the leak resulting in several tenants not getting cold water since February 2021. The landlord testified that each time she has ordered the tenant to clean up the unit, within a week the tenant is back to hoarding numerous items creating a health and safety risk. The landlord stated that this is an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord and I want an order of possession.

The tenant gave the following testimony. The tenant testified that her suite is “clean clutter” and that she has a hard time throwing things out. The tenant testified that she would try to clean it up. The tenant testified that every time the landlord has told her to clean the unit, she complies. The tenant testified that she would try to make a pathway for the plumbers to do the work.

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 has provided testimony and extensive documentation to satisfy me that the tenant has:

- *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; **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.*

In the tenant's own testimony, she confirmed and acknowledged that she has an extensive amount of items and that the condition of the unit has caused this issue. Based on the above, I find that the landlord is entitled to have this tenancy end early and grant them an order of possession. The tenancy is terminated.

Conclusion

The landlord is granted on 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: April 01, 2021

Residential Tenancy Branch