



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened by way of conference call in response to a Landlord's Application for Dispute Resolution to end the tenancy early and obtain an Order of Possession, and to recover the filing fee from the Tenants.

The Landlord attended the hearing. However, the Tenants did not. The Landlord stated that he served the Tenants with his application, Notice of Hearing, and evidence in person, at the residence on April 8, 2021. The Landlord provided proof of service to show this service was witnessed by a third party. I find the Tenants were sufficiently served with the above noted package on the same day it was served in person.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make oral submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

- Is the Landlord entitled to end the tenancy early and obtain an Order of Possession?

### Background and Evidence

The Landlord stated that they are seeking to end the tenancy early because the Tenants are putting the Landlord's property at significant risk. More specifically, the Landlord stated that the Tenants have accumulated such a significant amount of

uninsured vehicles, plywood, RV's, scrap metal, furniture, and garbage on the property, that the City of Surrey has issued a formal warning for having an unsightly property. The Landlord provided a copy of this letter, which gives the Landlord one month to fix the issue, or fines will be levied.

Further, the Landlord stated that when he attended the rental unit a couple of days ago, he saw that the Tenant had vandalized and sabotaged the water supply to the house. The Landlord noted that the water supply for this house uses a well system, and a pump house. The Landlord stated that the pump house is locked, and is in a detached outbuilding, which only the Landlord has access to. When the Landlord attended the property, he saw the Tenants had kicked in the door to the well/ pump house, and had cut multiple electrical wires that supply the pump system with power. The Landlord stated that the Tenants have damaged critical infrastructure, and they are worried because the aggressive and acrimonious behaviour is escalating. The Landlord stated that they have also issued a 1 Month Notice to End Tenancy for Cause. However, they cannot wait, because of the property vandalism, and the pending fines from the city.

### Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied that:

- 1) There is sufficient cause to end the tenancy based on any of the following causes:

The tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
  - (A) has caused or is likely to cause damage to the landlord's property,
  - (B) 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, or
  - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property,

And,

- 2) it would be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

I have carefully considered the undisputed and affirmed testimony provided by the Landlord. I find the Tenants actions, in totality, put the Landlord's property at significant risk. There are pending fines, due to the Tenants' unsightly property, but more importantly, the Tenants have begun to sabotage and damage critical infrastructure (the water well/ pump house). I find this is egregious behaviour, and warrants an early end to the tenancy.

I find the Tenants' behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I further find it is not reasonable for the Landlord to wait for the Notice for Cause to take effect. As such, I find the Landlord is entitled to an order of possession, effective 2 days after service on the Tenants.

### Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenants. This order must be served on the Tenants. If the Tenants fail to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be 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: April 15, 2021

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Residential Tenancy Branch