



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1079449 BC Ltd.  
and [tenant name suppressed to protect privacy]

## **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 of the tenancy and Order of Possession pursuant to section 56; and
- Authorization to recover the filing fee from the tenant pursuant to section 72.

The tenant did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord was made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and they testified that they were not making any recordings.

The landlord testified that they served the tenant with the notice of application and evidence by registered mail on April 14, 2021. The landlord submitted a valid Canada Post tracking receipt as evidence of service. Based on the evidence I find that the tenant is deemed served with the landlord's materials on April 19, 2021, five days after mailing, in accordance with sections 88, 89 and 90 of the *Act*.

### Issue(s) to be Decided

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

Is the landlord entitled to recover the filing fee from the tenant?

### Background and Evidence

The landlord provided undisputed evidence regarding the following facts. This fixed-term tenancy began in October 2020. The monthly rent is \$1,350.00 payable on the first of each month. A security deposit of \$675.00 was collected at the start of the tenancy and is still held by the landlord. The rental unit is a basement suite in a detached home with another occupant residing in the main floor of the building.

The landlord submits that the tenant has allowed their partner onto the rental property and the two engage in loud and escalating conflicts causing disturbance to the other occupants of the property. The landlord submitted into evidence complaints from the other residents of the building about the ongoing altercations. In addition, the tenant's partner has threatened the other residents with physical harm requiring authorities to be called on some occasions.

### 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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 evidence of the landlord, including their undisputed testimony and documentary materials, I find that the landlord has provided sufficient evidence to show that the tenant or someone invited onto the property by the tenant has unreasonably disturbed the other occupants of the property and their behaviour is a source of seriously jeopardy to the health, safety and lawful rights of others.

I find that loud conflicts which escalate into threats of physical violence to be inherently dangerous and threatening behaviour that gives rise to a basis for a tenancy to end. I accept the evidence of the landlord that the conflicts are frequent, lengthy and of such intensity that the other residents of the property feel there is an imminent threat to their safety and wellbeing. I accept that the escalating conflicts have required intervention by authorities and that allowing this tenancy to continue until such time as a notice to end under section 47 takes effect would be unreasonable and unfair to the landlord and other occupants of the property.

Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

As the landlord was successful in their application they are entitled to recover their filing fee from the tenant. In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain \$100.00 of the tenant's security deposit in full satisfaction of the monetary award issued in the landlord's favour

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The security deposit for this tenancy is reduced by \$100.00 from \$675.00 to \$575.00.

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: May 3, 2021

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Residential Tenancy Branch