



Dispute Resolution Services

Page: 1

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.

Only the landlord appeared at the hearing. The landlord provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The landlord testified that she served the tenant with the Notice of Hearing and Application for Dispute Resolution in the presence of a witness on April 23, 2021 by posting it on the tenant's door. I find the tenant has been served in accordance with section 89(2)(d) and 90 of the Act on April 26, 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.

Issue(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 landlords gave the following testimony. WY testified that the tenancy began on July 1, 2020 with the rent of \$2000.00 due on the first of each month. The tenant paid a security deposit of \$1000.00. VB testified that from the outset of the tenancy the tenant would make banging noises, yelling and screaming and slamming doors. VB testified

that when she spoke to the tenant about it, the tenant would set off on a tirade against her and her family and use profanities and racial slurs.

VB testified that the police have attended on 8 separate occasions as a result of the tenant's actions. WY testified that for the past two months the tenant has turned off the electricity to the upper portion of the home where the landlords live as the electrical panel is in the tenant's suite. WY testified that when he tells her that she is to turn the power back on and that its dangerous to the property she tells him to go back to China. WY testified that the tenant has physically threatened himself and his mother and made threats about damaging the property. The landlords want an early end to this tenancy as they feel the tenant poses a severe risk to the property and to the landlords and that she has significantly interfered with the landlords since moving into the suite.

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 undisputed testimony and extensive documentation and digital evidence to satisfy me that the tenant has:

- *“significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property and put the landlord’s property at significant risk and 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.*

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. The landlord is also entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

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: May 17, 2021

Residential Tenancy Branch