



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing with a witness and provided testimony. However, the Tenants did not appear. The Landlord stated that he posted the Notice of Hearing, and evidence package to the Tenants' front door on April 28, 2021. The Landlord posted a copy for each Tenant. Pursuant to section 89 and 90 of the Act, I find the Tenants are deemed served with this package 3 days after it was posted, on May 1, 2021.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make 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 the Tenants moved into the rental unit in February, and since that time, there have been several issues. More specifically, the Landlord stated that the Tenants started having parties in February, such that other residents of the building

were being disrupted. Then, the Tenants started having guests coming and going at all hours of the day, and many of the guests were heavily intoxicated, and on drugs. The Landlord stated that the Tenants' guests have overdosed on drugs on at least two separate occasions, on March 29, and April 9, 2021. The Landlord provided photos from the surveillance system, showing the guests being taken away by paramedics.

The Landlord also brought a witness to the hearing, who testified that she is the caretaker of the building and on March 9, 2021, a guest of the Tenants' was observed banging on the front door, and was very intoxicated at 9am. The witness noted that while she was observing this heavily intoxicated person at the front door, from inside the lobby of the building, one of the Tenants came down to let this guest in. Following this, the Tenant became aggressive and threatening toward the caretaker. More specifically, the Tenant physically came after the caretaker, and cornered her in the lobby, while pushing his chest into her. The caretaker said he was yelling, screaming and physically attacked her on the morning of March 9, 2021.

The Landlord stated that the Tenants have continued to use this rental unit as a place to party, and they continually disrupt and scare other people in the building.

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, there is sufficient cause; and, 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 evidence before me and 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 find the Tenant's behaviour on March 9, 2021, including his physically and verbally hostile/threatening behaviour in the lobby of the building posed an immediate and severe risk to other occupants and the Landlord. I note this incident was couched in a series of other concerning issues, such as serious substance abuse issues, including drug overdoses, numerous intoxicated and disruptive guests, as well as major disruptions to the lives of other Tenants in the building. As such, I find the Landlord is entitled to an order of possession.

As the Landlord's application was successful, and pursuant to section 72 of the *Act* I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00**. I **authorize** the landlord to retain \$100.00 from the tenants' security deposit (\$975.00 held as per the tenancy agreement) in full satisfaction of the recovery of the cost of the filing fee.

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 Tenant. This order must be served on the Tenant. If the Tenant fails 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: May 21, 2021

Residential Tenancy Branch