



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an early end to this tenancy and an 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 10 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 landlords attended and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlords testified that they served the tenant with the notice of application and evidence by posting on the rental unit door on May 7, 2021. A photograph showing the hearing package being posted was submitted into evidence. Based on the I find that the tenant is deemed served with the landlord's materials on May 10, 2021, three days after posting, in accordance with sections 88, 89 and 90 of the Act.

Issue(s) to be Decided

Are the landlords entitled to an early end of this tenancy and Order of Possession?
Are the landlords entitled to recover the filing fee from the tenant?

Background and Evidence

The landlords provided undisputed testimony regarding the following facts. This tenancy began in December 2020. The monthly rent is \$600.00 payable on the first of each month. A security deposit of \$300.00 was paid and is still held by the landlord. The rental unit is a suite in a detached house with three rental units.

The landlord testified that since the tenancy commenced the tenant has engaged in violent actions in the rental property, including an incident where multiple victims were stabbed. The landlord submits that one victim of the stabbing died and another suffered serious injuries. The landlords gave evidence that the behavior of the tenant has necessitating intervention by the police on multiple occasions. The landlords testified that they believe the tenant has now been arrested but feel that allowing the tenant to return to the rental unit where he stabbed one of the other occupants would be unfair and unreasonable and seek an early end of the tenancy.

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 the testimony of their witness and documentary materials, I find that the landlord has provided sufficient evidence to show that the tenant has engaged in illegal activity that has adversely affected the safety and physical well-being of other occupants and the landlord.

I accept the undisputed evidence of the landlords including their testimony and photographs of injuries and damage that the tenant is a risk to health and safety of the other occupants of the building. I am satisfied on a balance of probabilities that the incidents of stabbing causing death and injuries are attributable to the tenant.

I find the nature of the violent actions makes it unreasonable to wait for a Notice to End Tenancy under section 47 to take effect. I therefore 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 \$300.00 to \$200.00.

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 31, 2021

Residential Tenancy Branch