



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution filed under the Residential Tenancy Act, (the "Act") seeking to end the tenancy early and obtain an order of possession.

The hearing was conducted via teleconference and was attended by the landlord.

The landlords testified the tenant AM was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 89 of the *Act* by personal service on May 9, 2021.

The tenant TL was served with the notice of hearing documents and this Application for Dispute Resolution by posting to the door on May 9, 2021, in accordance with Section 89.

Based on the testimony of the landlords, I find that the tenants have sufficiently served with the documents pursuant to the *Act*.

Issue to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early, **pursuant to Section 56 of the *Act***.

Background and Evidence

The tenancy commenced on November 1, 2020. Rent in the amount of \$1,40.00 was payable on the first of each month.

The landlords testified that the police have been to the property on at least 8 occasion since the tenancy has commenced.

The landlord testified that the tenants allowed two additional people to stay on the premises without their consent and there is always fighting going on, causing unreasonable disturbance to the other occupants of the residence.

The landlord testified that the tenant has threatened to kill him and was informed by the tenant that they had spent 30 years in jail and don't mind going back again.

The landlord testified that the tenant has smashed a window and cut the deck railing a part and has cause damage in the rental unit, which they were denied access to inspect..

The landlord testified that the tenants have also stolen some of their tools, they were able to get some back; however, the tenant had already sold their jackhammer, concrete saw and is not exactly sure what else has been taken and sold. The landlord stated that the tenants have also been stealing bikes.

The landlord testified that they is also believed the tenants are selling drugs and bringing stolen property to the premise as this is what they were informed by the police.

The landlord testified on April 25, 2021, a person attending the tenants rental unit died of a drug overdose.

Filed in evidence are police file numbers, photographs, a letter from a third party, who was living with the tenant, that they witnessed the tenants causing damage to the rental unit by kicking hold in the walls, about stolen bikes, and drug use.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - 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, or
 - 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 rental unit or residential property.

- b) 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 am satisfied, based on the undisputed testimony and evidence provided by the landlord that the tenants have 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 interest of the landlord or another occupant and has caused or is likely to cause damage to the landlord's property.

In this case, the landlord has been threatened by the tenants, fighting between the tenants and their guest causing unreasonable disturbance to the other occupants and the landlord, theft of property of the landlord, storing stolen property, and the use of drugs, causing the death of a third party. The tenants have broken a window, damaged railing and caused damage to the rental unit.

I also find the landlord has established, by their undisputed testimony that it would be unfair to the landlord to wait for a One Month Notice to take effect. As the police have been to the rental unit on at least eight occasion dealing with the tenants in appropriate behaviour.

As the landlord has been successful with their application. I find the landlord is entitled to recover the cost of the filing fee. I authorize the landlord to keep \$100.00 from the security deposit in full satisfaction this award.

Conclusion

I find the landlord is entitled to an order of possession, pursuant to **section 56** of the Act, effective **two days after service on the tenants**. This order must be served on the tenants. 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. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenant.

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: June 03, 2021

Residential Tenancy Branch