



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

On April 28, 2021, the Landlords submitted an Application for Dispute Resolution for an early end of tenancy and an order of possession for the rental unit.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The Landlords attended the hearing; however, the Tenant did not. The line remained open while the phone system was monitored for twenty-six minutes and the Tenant did not call into the hearing during this time.

The Landlord testified that she served the Tenant with the Notice of Dispute Resolution Proceeding in person at the dispute address on May 26, 2021.

I find that the Tenant was served with notice of the hearing in accordance with sections 89 and 90 of the Act and failed to attend in the hearing. The hearing proceeded.

The Landlords were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Background

The Landlords testified that the tenancy began on September 16, 2017 on a month to month basis. The Landlords testified that rent in the amount of \$725.00 is due to be paid to the Landlord by the first day of each month. The Landlord testified that the Tenant paid a security deposit of \$362.50 and a pet damage deposit of \$362.50.

The Landlords provided the following testimony on why the tenancy should end early:

The Landlords testified that the Tenant has a friend who is a known drug dealer and the Tenant has started using drugs and acting strangely. The Landlords testified that the Tenant has been acting erratic by yelling and screaming on the property and slamming doors. The Landlord testified that she cuts herself and threatens suicide and has called the Landlord a demon.

The Landlord testified that the Tenant assaulted another Tenant in the laundry room a few months ago by pushing her to the ground and threatening her.

The Landlord stated that the Tenant has removed smoke alarms and electrical outlets in the rental unit as she believes these are listening devices. The Landlord stated that the Tenant is crossing the electrical wires to see what happens.

The Landlords testified that the Tenant has been removed from the rental property on a few occasions by police due to concerns about her mental health.

The Landlords also testified that she is using an illegal drug, crystal meth, in the rental unit and is smoking it by using a gas torch in the rental unit. The Landlord stated that she has detected a smell in the unit above when the Tenant is smoking the meth. The Landlord provided a photograph of the torch in the rental unit.

The Landlords are seeking to end the tenancy immediately and receive an order of possession for the rental unit.

Analysis

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the *Act*, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by 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 interest 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,
- 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
- 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 or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

Based on the testimony and evidence of the Landlords, I make the following findings:

I find that the Tenant's behavior is putting the Landlord's property at significant risk. I find that the use of the gas torch; the interaction with the electrical outlet and smoke alarms presents a significant risk to the Landlords property. I also accept that the Tenant assaulted another occupant of the property and adversely affected the physical well-being of a previous occupant of the residential property.

I find that 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. The tenancy is ending.

I grant the Landlord an order of possession effective one (1) day after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. I authorize the Landlord to keep \$100.00 from the security deposit in satisfaction of the cost for the application.

Conclusion

I find that the Tenant's behavior is putting the Landlord's property at significant risk. I find that the use of the gas torch; the interaction with the electrical outlet and smoke

alarms presents a significant risk to the Landlords property. I also accept that the Tenant assaulted another occupant of the property and adversely affected the physical well-being of a previous occupant of the residential property.

The tenancy is ending immediately.

The Landlord is granted an order of possession effective one (1) day after service on 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 10, 2021

Residential Tenancy Branch