



# 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 had counsel assisting them.

The landlord testified and supplied documentary evidence that she served the tenants with the Notice of Hearing and Application for Dispute Resolution by having a police officer present on May 26, 2021 when personally serving both tenants and having one of the tenant's sign and acknowledge service. I find the tenants have been duly served in accordance with section 89 of the Act. 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.

### Issues(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

This tenancy began on July 8, 2020. The monthly rent of \$1200.00 is due on the first of each month. The tenants paid a \$600.00 security deposit at the outset of the tenancy which the landlord still holds.

During the hearing, the landlord gave sworn testimony that she was seeking an early end to this tenancy as the tenants pose an immediate and severe risk to the rental property, other occupants or the landlord. Counsel submits that the tenants have tampered with a hydro meter, broke into the adjacent unit to steal power, have left the unit without any hydro or gas service, made a makeshift cooking area outside of the unit, in an area surrounded by trees and is an extreme fire risk.

Counsel submits that in addition to those issues, the most pressing and concerning is the tenants threatening and aggressive behaviour towards the landlord and other tenants. Counsel submits that other tenants live in constant fear of these tenants. One of the other tenants on the property has moved because they feared these tenants. Counsel submits that the landlord has provided extensive documentation to support her position. The landlord requests an order of possession.

### 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 provided documentation to support her position and to reflect that the tenant's behaviour and actions have become more aggressive and threatening to other tenants and posing a threat to the property despite warnings. The landlord has provided undisputed testimony and extensive documentation to satisfy me that the tenants have:

- *“significantly interfered with or unreasonably disturbed another occupant or the landlord of 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.*

Based on the above, I find that the landlord is entitled to have this tenancy end early and grant them an order of possession pursuant to section 56 of the Act. The tenancy is terminated. The landlord is entitled to retain \$100.00 from the security deposit in full satisfaction and recovery of the filing fee for this application pursuant to section 72 of the Act.

### 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: June 17, 2021

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Residential Tenancy Branch