



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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 an order of possession pursuant to section 56.

Both landlords attended the hearing via conference call and provided affirmed testimony. Both tenants did not attend or submit any documentary evidence.

Both landlords were advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

The landlords stated that both the tenants were served with the notice of an expedited hearing and the submitted documentary evidence by placing the package on top of a garbage can next to the rental unit door on June 24, 2021. The landlords stated that a proof of service document was completed for each package where it notes that it was "left in conspicuous place beside door". I accept the undisputed affirmed evidence of the landlords and find that despite not attending the hearing, both tenants are deemed sufficiently served as per section 90 of the Act.

Issue(s) to be Decided

Are the landlords entitled to an early end to the tenancy and an order of possession?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The landlords seek an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord.

The landlords provided written details which states in part,

Illegal activity including guns and drug overdose, suspected drug trafficking and threats. Police have been to the property 30 times in the last 12 months. They may proceed with Civil Forfeiture. Neighbors are very anxious.

[reproduced as written]

The landlords provided direct testimony clarifying that the police believe drugs are being sold from the rental property but have no evidence of such besides the speculation of the police.

The landlords provided direct testimony that the police have attended the rental property many times over the last 12 months; the tenants have changed the locks to the rental unit without notice to the landlords; several of the tenants' guest(s) have been arrested by the police; and the duplex unit tenant next door has suffered repeated loss of quiet enjoyment due to police attending the rental property.

The landlords stated that a 1 month notice to end tenancy had already been issued and served to the tenants and is to be effective on July 31, 2021.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a 1 Month Notice to take effect.

A one month notice to end tenancy for cause is the standard method of ending a tenancy for cause. An order to end tenancy early pursuant to section 56 requires that there be particular circumstances that lend urgency to the cause for ending the tenancy. That is the reason for the requirement that the landlord show it would be “unreasonable or unfair” to wait for a cause notice to take effect.

In this case, I find based upon all of the presented evidence of the landlords that the landlords have failed to meet any of the 5 noted reasons under section 56 of the Act for ending a tenancy early. I also note that the landlords have already issued a 1 month notice to end tenancy for cause (reason(s) not provided) to be effective on July 31, 2021. When asked why the landlords could not wait for the notice to take effect, the landlords were unable to give any reasons why it would be unreasonable or unfair to wait. On this basis, I find that the landlords have failed to provide sufficient evidence to satisfy me to grant an early end to the tenancy.

Conclusion

The landlords’ application is dismissed.

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: July 09, 2021

Residential Tenancy Branch