



# 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 an Application for Dispute Resolution by the landlords filed under the Act, for an order of possession pursuant to section 56 of the Act.

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

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution, personally on September 11, 2021, in accordance with Section 89 of the Act, which was witnessed by a third party.

Based on the testimony of the landlord, I find that the tenants have been 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 began on December 1, 2020. Rent in the amount of \$1,050.00 was payable on the first of each month. A security deposit of \$250.00 was paid by the tenants.

The landlord testified that the male tenant, on August 18, 2021 at around 5:30 pm, went on rampage causing considerable damage. The landlord stated that two of the other occupant's car windows were smashed and two neighbour's car windows were

smashed. Filed in evidence are photographs showing the damage caused to the vehicles.

The landlord testified that the male tenant also smashed 4 windows of the rental property. Filed in evidence are photographs of the smashed windows.

The landlord testified at the time of the rampage the male tenant was also threatening to burn the property down, as well as using racial slurs towards the other occupants.

The landlord testified that the tenant was arrested, and they were told by the police that they would not be allowed to return; however, the tenant is back on the property and the other occupants are fearful of the erratic behaviour of the tenant.

### 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 testimony and evidence provided by the landlord, that the tenant on August 18, 2021, significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property

I am satisfied that the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant

I am satisfied that the tenant engaged in illegal activity causing damage to the landlord's property and to the other occupants' vehicles.

I also find the landlord has established, by their testimony, that the tenant's behaviour leaves me no doubt that it would be unfair to the both the landlord and the other occupants to wait for a One Month Notice to take effect.

### Conclusion

I find the landlord is entitled to an order of possession 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 tenants.

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: September 28, 2021

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Residential Tenancy Branch