



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ST. LUKE'S HOME SOCIETY and
[tenant name suppressed to protect privacy]

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 the issuance of an Order of Possession pursuant to section 56.

Only the landlord's agents appeared at the hearing. The agents provided affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

ML testified and supplied documentary evidence that he served the tenant with the Notice of Hearing and Application for Dispute Resolution by having a witness present when he personally served the tenant on September 29, 2021. I find the tenant has 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?

Background and Evidence

This tenancy began on October 1, 2009 with the current monthly rent of \$986.00 due on the first of each month. ML testified that the tenant's behaviour has steadily gotten worse over the past two years. ML testified that the tenant continually posts notices stating that due to the high Covid -19 deaths in the building; the building is closed and that all items will be emptied from the units by the end of the month. JL testified that is not the case and has caused significant issues for the landlord and anxiety for other tenants. In addition, ML testified that he has tried to work with the tenant however, his

behaviour has gotten worse since serving him notice of this hearing. JL testified that the tenants loud, aggressive, and threatening behaviour has affected seven other units. JL testified that they have received numerous verbal and written complaints from other tenants. The landlord filed this application for the following reasons:

“The tenant has been causing extremely loud noises causing unreasonable disturbance to other occupants, jeopardizing the health and safety of other tenants and putting the landlords property at risk. These noises happen at all ours of the day and night. It is reported by other tenants that they are experiencing major sleep problems, headaches from chronic fatigue, anxiety from hearing the yelling and rage of noise all the time and impacting their work. A he has been posting bldg closed signs..”

The landlord’s agent stated that this is an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord and I want 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's agents have provided undisputed testimony and extensive documentation to satisfy me that the tenant has:

- *"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. The tenancy is terminated.

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: October 19, 2021

Residential Tenancy Branch