



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

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

KG testified and supplied documentary evidence that he served the tenants with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on November 16, 2021. The landlord had provided tracking information from Canada Post. Pursuant to sections 89 and 90 I find that the landlord has served the tenants in accordance with the *Act*, and are deemed served five days later November 21, 2021. 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 March 1, 2020 with the current monthly rent of \$700.00 due on the first of each month. JM testified that since March 2021 the tenants have become violent, aggressive, and threatening towards the other tenants on the property and the landlord. JM testified that the police have attended on numerous occasions and as many as four times per week in the past several months. JM testified that she has tried

to work with the tenants however, their behaviour has gotten worse, and she now fears them. The landlord testified that other tenants are also afraid of the tenants and have threatened to move out because of that fear. JM testified that there is a constant flow of traffic coming and going to that suite due to drug activity. KG testified that there are needles and drug paraphernalia strewn throughout the hallways and suite. The landlord filed this application for the following reasons:

*“Police attending where aggravated assault happened on visitor to unit 108. Fear in tenants and staff with aggravation from people tenants are allowing at unit with illegal activity happening at all hour’s day and night. Gerald and Paul have been subletting or letting visitors around using illegal illicit substances and putting fear in all people around.”*

The landlord stated that this is an urgent application about tenants who pose 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 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. 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: November 29, 2021

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Residential Tenancy Branch