



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlords and the Tenant all attended the hearing and provided affirmed testimony. The Tenant confirmed receipt of the Landlord's Notice of Hearing and evidence package. The Tenant did not provide any evidence.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Are the Landlords entitled to end the tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlords stated that sometime in mid-January 2022, the Tenant allowed a few acquaintances to move into the rental unit, and since then, they have taken over and destroyed parts of the rental unit. The Landlords stated that these occupants who moved in with the Tenant have burned a car in the driveway of the home, smashed several of the windows in the house, and have made death threats to the Landlords.

The Landlords stated that following the suspicious car fire in the driveway, they attended the rental unit to speak with the Tenant and the occupants staying there, and one of the occupants threatened the Landlords house and life by saying he was going to burn the house down and that he was going to kill the Landlords if they made any issues.

The Landlords stated that one of them was threatened on January 31, 2022, when they went over to check on the property, and the following day the other Landlord attended the unit, and was told her life was at risk if she continued to check in on the house. The Landlords stated that the occupants informed them that they know where the Landlords live, and work, and will make them “disappear” if things go further.

The Tenant agrees that the people who are staying in his rental unit are dangerous, and he is also afraid of them. The Tenant stated that the occupants have threatened him as well if he tried to have them evicted. The Tenant does not know what to do, as he also fears for his safety.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; 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 have carefully considered the undisputed evidence before me and I find the Tenant is responsible for his actions, as well as the actions of any guest or occupant in his rental unit. I accept the Tenant is also fearful, but he is responsible for these individuals, as he appears to have known them before they moved in. I find the behaviour of the occupants is extreme and dangerous. I note there is already significant property damage, and there are threats to the Landlords' lives. I note the Landlords have contacted the police, but are needing the RTB to help end the tenancy.

I find the occupants behaviour, notably the threats to life, is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find there is an immediate and severe risk to other occupants and the Landlord. As such, I find the Landlords are entitled to an order of possession.

Conclusion

The Landlords have met the burden to prove the tenancy should end early.

The Landlords are granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlords may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: February 14, 2022

Residential Tenancy Branch