



# 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 landlords' 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.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 9:30 a.m. SB attended on behalf of the landlords ("landlord") and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed that SB and I were the only ones who had called into this teleconference.

The landlord was clearly informed of the RTB Rules of Procedure Rule 6.11 which prohibits the recording of a dispute resolution hearing. The landlord confirmed that they understood.

At the outset of the hearing the landlord testified that they did not know D's surname, but that they now know KM's full legal name, which was provided in the hearing. Accordingly, the landlords' application was amended to reflect KM's proper legal name.

The landlord testified that the tenants were served with the landlords' application and evidence package by posting the landlord's application and package on their door on March 10, 2022. In accordance with sections 88, 89, and 90 of the Act, I find the tenants deemed served with the package 3 days after posting.. The tenants did not submit any written evidence for this hearing.

### **Issues(s) to be Decided**

Are the landlords entitled to an early end of tenancy and an Order of Possession?

### **Background and Evidence**

While I have turned my mind to all the documentary evidence properly before me and the testimony provided in the hearing, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of this application and my findings around it are set out below

The landlords provided the following submissions. The landlord testified that landlords are siblings, and that this tenancy started sometime last spring when the tenants started renting the cabin on the property for \$300.00 per month from MS, one of the landlords. The landlord testified that they believe that the tenants are still occupying the property.

The landlord filed this application as the tenants have put the landlords' property at significant risk by causing significant damage, as well as seriously jeopardizing the lawful right or interests of the landlords. The landlord is submitted photos of the property to show the condition of the property. The landlord testified that the tenants have caused considerable damage to the landlords' trailers, and have stored barrels of human waste on the property.

The landlord testified that they have reports from neighbouring properties of the condition, as well as a letter from the regional district for a bylaw infraction due to unsightly state of the property. The landlords are concerned that the tenants have ignored their warning letter as well as their Notice to End Tenancy, and will continue to cause significant damage if the tenancy was to continue. The landlord testified that they cannot wait any longer due to the deterioration and damage of the property caused by the tenants.

### **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 a 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.*

Based on the evidence and sworn testimony before me, I find that sufficient evidence has been provided to warrant an end to this tenancy for several of the reasons outlined in section 56, as outlined above. I find that the tenants have seriously jeopardized the health or safety or a lawful right or interests of the landlords, and potentially other residents in the area. The landlords are seeking an Order of Possession as the landlords are concerned about the damage that the tenants have caused, and the fact that the tenants have kept barrels of human waste on the property that could potentially affect the health and safety of the landlords and neighbouring properties.

The second test to be met in order for a landlord to obtain an early end to tenancy pursuant to section 56 of the *Act* requires that a landlord demonstrate that "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" for cause to take effect. On this point, I find that the reasons cited by the landlords for circumventing the standard process for ending a tenancy for cause meet the test required to end this tenancy early due to the significant damage caused by the tenants as supported in the landlord's evidence. I note that the tenants have chosen to not appear at this hearing, nor have they provided any contrasting accounts by way of written evidence.

The main reason for the urgent nature of this application is the immediate risk to the health and safety, as well as lawful interest of the landlords and other residents in the area, and I find that the landlords have provided sufficient evidence to support this. I am satisfied that the potential for further damage to the property, and risk to the health and safety of those in the area is so great that this tenancy must be terminated.

Under these circumstances, I find that it would be unreasonable and unfair to the landlords to wait for a 1 Month Notice to End Tenancy for Cause to take effect. I find that the landlords have provided sufficient evidence to warrant ending this tenancy early. I issue a two day Order of Possession to the landlords.

### **Conclusion**

I grant an Order of Possession to the landlords effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: March 29, 2022

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Residential Tenancy Branch