



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for an early termination of the tenancy and an Order of Possession pursuant to section 56 of the Act, and to recover the cost of their filing fee.

The Landlord appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenants. The teleconference phone line remained open for over 20 minutes and was monitored throughout this time. The only person to call into the hearing besides me was the Landlord, who indicated that he was ready to proceed. I also confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Landlord.

The Landlord said in the hearing that he served the Tenants with the Application and documentary evidence by posting them on the rental unit door on March 10, 2022, and also by sending the documents to the Tenants by email. As a result of this evidence and pursuant to section 90 of the Act, I find that the Tenants were deemed served with the Application and documentary evidence on March 13, 2022, three days after they were posted on the rental unit door, and over 14 days prior to the hearing.

I explained the hearing process to the Landlord and gave him an opportunity to ask questions about it. During the hearing, the Landlord was given the opportunity to provide his evidence orally and respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure; however, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary and Procedural Matters

The Landlord provided his email address in his Application, and he confirmed it in the

hearing, He also confirmed his understanding that the Decision would be emailed to the Landlord and mailed to the Tenants, with any Orders sent to the appropriate Party.

Issue(s) to be Decided

- Is the Landlord entitled to an Order of Possession based on the early termination of the tenancy in accordance with section 56 of the Act?
- Is the Landlord entitled to recovery of the \$100.00 Application filing fee?

Background and Evidence

The Landlord submitted a tenancy agreement signed by the Parties. The Landlord confirmed the following details of the tenancy. The periodic tenancy began on November 1, 2018, with a current monthly rent of \$2,000.00, due on the first day of each month. The Landlord confirmed that the Tenants paid him a security deposit of \$600.00, and no pet damage deposit. The Landlord said he still holds the security deposit in full.

In the hearing, the Landlord said that the reason he seeks an early termination of the tenancy and an order of possession is because:

They hurt me badly twice and speak to me loudly when I ask for rent. I called police right away. After 15 – 20 minutes, a police car came. The police came and asked me if I was okay. I want to tell, but I am afraid to tell the officer about it. I didn't tell her, because I was afraid.

He opened the door and the people were waiting outside to buy the drugs. They are opening the car and I noticed that they were taking the drugs from there. I called the Bylaw people, but they said they can't do anything, because this is inside your property.

The Landlord said the Tenants deal drugs out of the rental unit, as evidenced by strangers to the residential property arriving frequently. He reiterated that the Tenants have injured him badly twice.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim, in this case, the Landlord.

Section 56 of the Act establishes grounds on which a landlord may apply for dispute resolution to request an early termination of a tenancy and order of possession. In order to grant such an order, I need to be satisfied that the Tenants have done **any** of the following:

1. significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
2. seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
3. put the landlord's property at significant risk;
4. has 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;
5. has engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
6. 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 tenancy under section 47 to take effect.

In this case, I find that the Landlord has established on a balance of probabilities that the Tenants did the first five actions in the above noted list. I, therefore, find that the Landlord has met the burden of proof in this matter. I further find that it would be unreasonable and unfair for the Landlord or other occupants to wait for a one month notice to end tenancy to take effect pursuant to section 47 of the Act, given the violence and illegal activities of these Tenants.

Accordingly, and pursuant to section 56 (1) of the Act, I **Order** that the tenancy is ended two days from the date on which the Order of Possession is served on the Tenant. I grant the Landlords an **Order of Possession**, which must be served on the Tenants and **is effective two days after the date of service**. Further, I grant the Landlord recovery of the **\$100.00** Application filing fee, pursuant to section 72 of the Act, and I authorize the Landlord to deduct this from the Tenants' \$600.00 security deposit.

Conclusion

The Landlord is successful in this Application, as he established on a balance of probabilities that the Tenants' behaviour warrants an early termination of the tenancy and an Order of Possession, pursuant to section 56 of the Act.

I grant the Landlord an **Order of Possession**, which must be served on the Tenants and which is **effective two days from the date of service** on the Tenants.

Should the Tenants fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I also award the Landlord recovery of his \$100.00 Application filing fee from the Tenants, and I authorize the Landlord to deduct **\$100.00** from the Tenants' \$600.00 in complete satisfaction of this award.

This Decision is final and binding on the Parties, unless otherwise provided under the Act, and 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

Residential Tenancy Branch