



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAAMCO INTERNATIONAL PROPERTIES CANADA  
LTD 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.

At the outset of the hearing, I explained to the parties that as these hearings were teleconferences, the parties could not see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited and they were reminded to refrain from doing so.

All parties acknowledged these terms. As well, all parties in attendance provided a solemn affirmation. All parties acknowledged the evidence submitted and were given an opportunity to be heard, to present sworn testimony, and to make submissions. I explained the hearing and settlement processes to both parties. Both parties had an opportunity to ask questions. Both parties confirmed that they were ready to proceed with the hearing, they did not want to settle this application, and they wanted me to make a decision regarding this application. Neither party made any adjournment or accommodation requests. I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described 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

The landlord gave the following evidence. This tenancy began on November 1, 2020. The monthly rent of \$1250.00 is due on the first of each month. The landlord wants to end the tenancy for the reasons as noted on their application:

*“Tenant has twice disconnected smoke alarms in suite. Fire department has had to attend on at least one occasion and tenant and unauthorized roommates are smoking in the suite and continue to disconnect smoke alarms. Many burn holes were found in the suite recently which could have led to a fire in which the four story 115 suite building and tenants is being put at risk. Associates of the tenant have been making Death Threat's against the Manager, which has been turned over to the police.”*

The landlord 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.

The tenant gave the following testimony. The tenant testified that she did cover the smoke detector on one occasion as she was making Yorkshire pudding and needed the oil to get very hot. She didn't want the smoke from the oil to set off the alarm and covered it for that purpose only. The tenant testified that the burn holes in her kitchen were there when she moved in. The tenant testified that she doesn't smoke in the unit but did smoke on the balcony on a couple of times. The tenant testified that she didn't realize that was prohibited as she saw other tenants doing the same. The tenant testified that she doesn't have any idea of who made the threats. The tenant testified that she did not instruct anyone to do that.

### 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 testified that he had 9 voice recordings of threats made against him as well as the name of the person that made them. The landlord testified that he had a copy of the condition inspection report that shows that there were no burn marks in the kitchen. However, the landlord did not provide those items for this hearing. On several occasions, the landlord referred to documentation that he had but, had not submitted to the Branch or to the tenant. Although the tenant did acknowledge a couple of the issues brought up by the landlord, I find that they do not meet the test to show that a tenancy must end.

Based on the insufficient evidence before me at this time, I hereby dismiss the landlord's application in its entirety.

### Conclusion

I dismiss the landlord's application in its entirety. This tenancy continues until ended in accordance with the *Act*.

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: April 12, 2022

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Residential Tenancy Branch