



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

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; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

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

The landlord testified and supplied documentary evidence that he served the tenant with the Notice of Hearing, documentary evidence and Application for Dispute Resolution personally in the presence of a witness on March 23, 2022. I find the tenant has been duly served in accordance with section 89 of the *Act*. 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?
Is the landlord entitled to the recovery of the filing fee for this application?

Background and Evidence

This tenancy began on November 18, 2021 with the current monthly rent of \$1175.00 due on the first of each month. The tenant paid a security deposit of \$537.50 and a pet deposit of \$537.50 which the landlord still holds. The landlord testified that the tenants engaged in drug use and drug sales from the outset of the tenancy. The landlord testified that the police have attended on numerous occasions and found a weapon on the tenants' boyfriend which the police seized. The landlord testified that people are coming and going constantly throughout the day and night to purchase drugs from the tenant.

The landlord testified that the tenant hoards all type of items and garbage in the unit, and it has become a health and safety risk. The landlord testified that other tenants in the building have complained, and he has received warning letters from the strata that fines are pending if he doesn't evict the tenants. The landlord provided the following on his application as part of the reason he wishes to end the tenancy.

"Tenant was served a notice to vacate for cause on Jan 19, 2022. She did not dispute the notice and was to move out Mar 1, 2022. She has not vacated the property. Upon inspection on Mar 15, 2022 we found that she was hoarding and the apartment was a fire hazard. I am requesting an immediate order of possession so I can have the apartment cleaned out and the tenant removed."

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.

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 tenant has:

- *"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.

The landlord is entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

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: April 11, 2022

Residential Tenancy Branch