



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL REALTY  
INC. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on May 18, 2022 (the “Application”). The Landlord applied for an order ending the tenancy early pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

D.H. appeared at the hearing for the Landlord. G.P. appeared at the hearing as a witness for the Landlord. I explained the hearing process to D.H. and G.P. I told D.H. and G.P. they are not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”). D.H. and G.P. provided affirmed testimony.

The Landlord submitted evidence prior to the hearing. The Tenant did not submit evidence. I addressed service of the hearing package and Landlord’s evidence.

D.H. testified that the hearing package and Landlord’s evidence were sent to the rental unit by registered mail May 27, 2022. D.H. provided Tracking Number 298. The Landlord also submitted documentary evidence of service. I looked Tracking Number 298 up on the Canada Post website which shows the package was delivered June 02, 2022.

Based on the undisputed testimony of D.H. and documentary evidence of service, I am satisfied the Tenant was served with the hearing package and Landlord’s evidence in accordance with sections 88(c) and 89(2)(b) of the *Act*. Based on the Canada Post tracking information, I find the Tenant received the package June 02, 2022. I also find the Landlord complied with rule 10.3 of the Rules in relation to the timing of service.

Given I was satisfied of service, I proceeded with the hearing in the absence of the Tenant. D.H. and G.P. were given an opportunity to present relevant evidence, make relevant submissions and ask relevant questions. I have considered all evidence provided. I will only refer to the evidence I find relevant in this decision.

### Issue to be Decided

1. Is the Landlord entitled to an order ending the tenancy early pursuant to section 56 of the *Act*?

### Background and Evidence

A written tenancy agreement was submitted. The tenancy started July 01, 2021.

G.P. testified as follows. G.P. was involved in an incident where the Tenant was screaming in the rental unit at 3:00 a.m. G.P. went to see what the issue was, and other tenants were also up due to the noise. G.P. knocked on the Tenant's door and spoke to the Tenant about what was going on. G.P. told the Tenant they were disturbing others. G.P. left and the Tenant started making noise again. G.P. called the police who attended the rental unit. The Tenant had a crock pot with flames shooting out of it in the rental unit. The Tenant was smoking methamphetamine. Police removed the Tenant from the building. Police told G.P. that the Tenant's behaviour is dangerous, and the Tenant could blow up the building. The drug use and screaming by the Tenant has occurred several times.

D.H. testified as follows. After the incident described by G.P., D.H. went to the rental unit to speak to the Tenant. There were police officers around, smoke in the building and a chemical smell in the building. The Tenant had a pipe and lighter in their hands and again were smoking methamphetamine. The behaviour of the Tenant is not new and has been going on since the Tenant moved into the building. D.H. has given the Tenant many verbal warnings about the Tenant's behaviour; however, other tenants of the building are in danger because the Tenant is not stopping their behaviour.

D.H. sought an Order of Possession effective two days after service on the Tenant.

The Landlord submitted complaint letters about the Tenant from other tenants of the building.

### Analysis

Section 56 of the *Act* allows an arbitrator to end a tenancy early where two conditions are met. First, the tenant, or a person allowed on the property by the tenant, must have done one 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. Engaged in illegal activity that has (a) caused or is likely to cause damage to the landlord's property (b) adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or (c) jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord; or
5. Caused extraordinary damage to the residential property.

Second, it must be unreasonable or unfair to require the landlord to wait for a One Month Notice to End Tenancy for Cause issued pursuant to section 47 of the *Act* to take effect.

Pursuant to rule 6.6 of the Rules, the Landlord, as applicant, has the onus to prove the circumstances meet this two-part test. The standard of proof is on a balance of probabilities meaning it is more likely than not the facts occurred as claimed.

I am satisfied based on the undisputed testimony of D.H. and G.P., as well as the documentary evidence submitted, that the incidents described by G.P. and D.H. occurred. I am satisfied based on the undisputed testimony of D.H. and G.P. that the Tenant has significantly interfered with or unreasonably disturbed other occupants or the Landlord of the residential property and seriously jeopardized the health or safety or a lawful right or interest of the Landlord or other occupants. I am satisfied based on the undisputed testimony of D.H. and G.P., as well as the documentary evidence submitted, that it would be unfair to require the Landlord to wait for a One Month Notice issued

pursuant to section 47 of the *Act* to take effect because the incidents described involve police attendance at the rental unit, police removing the Tenant from the building and the Tenant creating unsafe conditions in the rental unit which could affect the safety of others in the building. As well, the Tenant did not appear at the hearing to dispute that the tenancy should end pursuant to section 56 of the *Act*.

I am satisfied the Landlord has met their onus to prove the tenancy should end pursuant to section 56 of the *Act*. I issue the Landlord an Order of Possession for the rental unit which will be effective two days after service on the Tenant.

### Conclusion

The Landlord is issued an Order of Possession effective two days after service on the Tenant. This Order must be served on the Tenant and, if the Tenant does not comply with this Order, it may be filed and enforced in the Supreme Court 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 *Act*.

Dated: June 16, 2022

---

Residential Tenancy Branch