



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1268180 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided affirmed testimony. However, the Tenant did not appear. The Landlord stated that he served the Tenant with the Notice of Hearing, and evidence by posting it to the door of the rental unit on June 3, 2022. Pursuant to section 90 of the Act, I find the Tenant received this package 3 days after it was posted.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Landlord entitled to end the tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlord stated that BC Hydro came and disconnected the Tenant's power on May 6, 2022, and since that time, the Tenant has been stealing power from others in the building and creating a fire hazard for all others in the building. More specifically, the

Landlord stated that the Tenant started plugging an extension cord into the outlets in the common hallway area, and running all the electricity for her unit through the extension cord. The Landlord stated that they have called the police and the fire department, and the Tenant still continues to steal power from common outlets. The Landlord stated that they have witnessed the Tenant plugging and removing her devices from common hallways. The Landlord also pointed out that the Tenant also has been running a long extension cord from her balcony on the 3rd floor to a generator in the bed of her pickup truck, in the parking lot below. The Landlord stated that there was a small electrical outlet short circuit and minor meltdown/fire on May 28, 2022, in one of the hallway outlets in the building. The Landlord stated that this tenancy needs to end to stop the extreme fire risk to others in the building due to her actions.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; and, it would be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's repeated and ongoing use of common outlets to power her rental unit, her use of a portable generator, and the long lengths of extension cords used poses an extreme fire risk to the building. I note the Tenant has already overloaded the circuits on May 28, 2022, such that there was nearly

a building fire. I find these actions pose a significant risk to the Landlord's property, and I am also satisfied that it would not be reasonable for the Landlord to wait for a 1-Month Notice to take effect. As such, I find the Landlord is entitled to an order of possession.

Since the Landlord was successful with this application, I award the Landlord the recovery of the filing paid. I authorize the Landlord to retain \$100.00 from the Tenant's security deposit in satisfaction of the filing fee.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced 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 *Residential Tenancy Act*.

Dated: June 23, 2022

Residential Tenancy Branch