



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 she served the Tenant with the Notice of Hearing and evidence on June 18, 2022, by posting a copy to his front door. Pursuant to section 90 of the Act, I find the Tenant is deemed to have been served with this package 3 days after it was posted, on June 21, 2022.

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

- Does the Landlord have cause to end the tenancy early?

Background and Evidence

The Landlord stated that the Tenant moved in at the end of April 2022. However, immediately after moving in, the Tenant began having loud fights and verbal altercations in a middle of the night, with his acquaintances. The Landlord stated that she lives upstairs with her family, and after asking the Tenant to try and be more quite and

respectful, he turned his aggression towards her. The Landlord stated that the Tenant has mostly communicated by text message (copies provided into evidence) with her, and he has escalated his aggressive language over the last month. More specifically, the Landlord stated that the Tenant said that he has “seen people killed” over issues like this, when referring to their interactions about the noise and the rental unit. The Landlord also pointed out that the Tenant said “I want to f_ck your whole family up” , “Every last one of your motherf_ckers”. The Landlord stated that she has called the police several times but they have told her to speak with the RTB for assistance to remove the Tenant.

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 behaviour appears to be increasingly aggressive and hostile towards the Landlord and her family. I find the Tenant’s verbal threats (via text message) along with his hostile demeanour poses an immediate and severe risk to other occupants and the Landlord/property. As such, I find the Landlord is entitled to an order of possession.

As the Landlord's application was successful, and pursuant to section 72 of the Act I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00. I authorize** the landlord to retain \$100.00 from the tenant's security deposit in full satisfaction of the recovery of the cost 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: July 04, 2022

Residential Tenancy Branch