



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KKBL NO. 629 Ventures Ltd. D.B.A. Wildwood
Park and [tenant name suppressed to protect privacy]

DECISION

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Introduction

This expedited hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the "Act") for an early end to this tenancy and an Order of Possession.

The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agents with agent CB (the "landlord") primarily speaking. The agents were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that they served the tenant with the notice of hearing and evidence by posting on the rental unit door on July 25, 2022. The landlord submitted into evidence a signed Proof of Service form showing that the hearing package was served by an agent of the corporate landlord in the presence of a witness on July 25, 2022. Based on the evidence I find that the tenant is deemed served with the landlord's materials on July 28, 2022, three days after posting, in accordance with sections 88, 89 and 90 of the Act.

Issue(s) to be Decided

Is the landlord entitled to the relief sought?

Background and Evidence

The landlord provided undisputed evidence regarding the following facts. This periodic tenancy originally began on May 1, 2021. The current monthly rent is \$1,980.00 payable on the first of each month. The rental unit is a manufactured home located in a park with 265 manufactured home sites.

The landlord gave evidence that the tenant and their guests have caused significant interference with and unreasonably disturbed other occupants of the park by wandering the park site brandishing a loaded crossbow. The tenant and their guests have also started bonfires throughout the park in undesignated areas and have accumulated garbage and detritus which poses a significant risk to the manufactured home park.

The landlord supplied photographs of the infractions and testified that the behaviour has been ongoing and escalating throughout the tenancy. The landlord said that while they are unaware of any of the other occupants of the park being shot by the crossbow as at the date of this hearing, the residents remain fearful as the tenant's guest roams the park with the loaded weapon in a threatening and dangerous manner.

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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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.

Based on the totality of the evidence before me, including the testimonies of the parties and documentary materials, I find that the landlord has provided sufficient evidence to show that the tenant has significantly interfered with and unreasonably disturbed other occupants of the residential property and the landlord.

I find that allowing a guest to wander the premises with a loaded crossbow is an inherently unreasonable and dangerous act which causes disturbance and interference of other occupants and the landlord and poses a significant jeopardy to the health and safety of those in the area. Similarly, I find that having an open fire on the property, especially where it has been banned by local authorities is an activity that adversely affects the security and safety of others and places the property at significant risk.

I find that the inherent dangerous act of allowing guests with weapons to roam about the rental property and having open fires in undesignated spots are acts that cause imminent risk to the health, safety and well being of others such that it would be unreasonable and unfair to wait for a notice to end tenancy to take effect.

I therefore issue an Order of Possession to the landlord pursuant to section 56 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: August 11, 2022

Residential Tenancy Branch