



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STERLING MANAGEMENT SERVICES  
LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

On July 21, 2022, the Landlord made an Application for Dispute Resolution seeking an early end to this tenancy and an Order of Possession pursuant to Section 56 of the *Residential Tenancy Act* (the “Act”).

R.M. attended the hearing as an agent for the Landlord. C.G. attended the hearing later as a witness for the Landlord. Neither Tenant attended the hearing at any point during the 52-minute teleconference. At the outset of the hearing, I informed R.M. that recording of the hearing was prohibited and he was reminded to refrain from doing so. As well, he provided a solemn affirmation. C.G. provided a solemn affirmation later in the teleconference when she joined the hearing.

R.M. advised that each Tenant was served a separate Notice of Hearing and evidence package by being posted to the Tenants’ door on July 26, 2022, and he referenced the proof of service documents submitted to corroborate service. Based on this undisputed evidence, I am satisfied that the Tenants were duly served the Notice of Hearing and evidence packages in accordance with the *Act* and Rules of Procedure. As such, I have accepted the Landlord’s evidence and will consider it when rendering this Decision.

All parties were given an opportunity to be heard, to present sworn testimony, and to make submissions. I have reviewed all oral and written submissions before me; 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 an early end to this tenancy and an Order of Possession?

Background and Evidence

While I have turned my mind to the accepted documentary evidence and the testimony of the parties, not all details of the respective submissions and/or arguments are reproduced here.

R.M. advised that the tenancy started on April 2, 2019, that rent was established at \$1,050.00 per month, and that it was due on the first day of each month. A security deposit of \$525.00 was also paid. A signed copy of the tenancy agreement was submitted as documentary evidence.

He testified that the Tenants' guests have caused multiple incidents whereby the police have been called, but he was not sure of the details of when they were called or when they attended. He stated that the neighbours are scared of these people, that these guests are using drugs and coming and going at all hours of the day, and that they damaged the gas meter to the point that the gas company felt that it was necessary to remove it. He submitted that residents are moving out because they fear for their safety.

He read from a letter, dated July 25, 2022, from one of his staff where one of the Tenants' guests was carrying a baseball bat, and a number of these people followed this staff member home. He then referenced a statement submitted as documentary evidence where the Tenants' guests allegedly threw knives at his staff members; however, he was not sure if the police were even called about this incident.

At this point, R.M. was asked if he wanted to have any of his witnesses dial into the hearing to provide testimony to corroborate his allegations and submissions. As it was necessary for him to exit the call to contact his witness, he was informed that I would wait until a specific time, and if he did not call back, I would end the call and make a Decision based on the submissions he had made. I waited an additional five minutes longer than what was told to R.M., and he and C.G. called in just before I was about to end the call.

C.G. advised that approximately three months ago, she went to the rental unit with a co-worker, and a guest of the Tenants was brandishing a knife. In addition, other guests were standing behind this person, and they were throwing knives at the deck while also threatening C.G. and her co-worker. She testified that these individuals threw knives in their direction, so they called the police to report this incident. However, the police did not deal with this situation as they had attended this rental unit on too many occasions. As well, she confirmed that the Tenants' guests have followed her and other staff members home.

### Analysis

Upon consideration of the testimony before me, I have provided an outline of the following Sections of the *Act* that are applicable to this situation. My reasons for making this Decision are below.

Section 56 of the *Act* establishes the grounds for the Landlord to make an Application requesting an early end to a tenancy and the issuance of an Order of Possession. In order to end a tenancy early and issue an Order of Possession under Section 56, I need to be satisfied that the Tenants, or a person permitted on the residential property by the Tenants, have 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.*

I find it important to note that the party making the claim has the burden to provide sufficient evidence over and above their testimony to establish their claim. I also note that the threshold of evidence required to justify an early end of tenancy Application is much higher than that of an Application for an Order of Possession based on a One Month Notice to End Tenancy for Cause.

When reviewing the totality of the evidence before me, I am satisfied that the Tenants are responsible for any actions and behaviours of themselves or any other persons that they have invited onto the property. Moreover, the undisputed evidence is that the Tenants' guests have thrown knives at the Landlord's agents. Based on this uncontroverted testimony, I am satisfied that the Tenants' guests have conducted themselves in an inappropriate and unacceptable manner. Consequently, I am satisfied that their actions and behaviours posed a danger that would fall under a majority of the aforementioned categories.

The Landlord must also demonstrate that "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 for cause" to take effect. Based on the consistent and undisputed testimony, I am satisfied that the Tenants' guests, will continue to behave in a manner that endangers lives and property. Should the tenancy resume in this manner, there is no doubt that there would be a genuine concern for the ongoing safety of the property, of any neighbours, or of any persons that may attend the rental unit or the property.

Under these circumstances described, I find that it would be unreasonable and unfair for the Landlord to wait for a One Month Notice to End Tenancy for Cause to take effect. For these reasons, I find that the Landlord has provided sufficient evidence to warrant ending this tenancy early. As such, I find that the Landlord is entitled to an Order of Possession.

### Conclusion

I grant an Order of Possession to the Landlord effective **two days after service of this Order** on the Tenants. Should the Tenants, and all occupants, 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 16, 2022

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Residential Tenancy Branch