



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Landlords' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an early termination of the tenancy and an order of possession – as the Tenants pose an immediate and severe risk to people and property; and to recover the \$100.00 cost of their Application filing fee.

The Landlords appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenants. The teleconference phone line remained open for over 30 minutes and was monitored throughout this time. The only persons to call into the hearing were the Landlords, who indicated that they were ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only persons on the call, besides me, were the Landlords.

I explained the hearing process to the Landlords and gave them an opportunity to ask questions about it. During the hearing the Landlords were given the opportunity to provide their evidence orally and to respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"); however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

As the Tenants did not attend the hearing, I considered service of the Notice of Dispute Resolution Hearing. Section 59 of the Act and Rule 3.1 state that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlords testified that they served the Tenants with the Notice of Hearing documents by Canada Post registered mail, sent on July 29, 2022. The Landlords provided a Canada Post tracking number as evidence of service. I find that the Tenants were deemed served with the Notice of Hearing documents in accordance with the Act. I, therefore, admitted the Application and evidentiary documents, and I continued to hear from the Landlords in the absence of the Tenants.

Preliminary and Procedural Matters

The Landlords provided their email address in the Application and they confirmed it in the hearing. They did not have an email address for the Tenants; therefore, I confirmed that we will mail the Decision to the Tenants at the residential property address. The Landlords also confirmed their understanding that the Decision would be emailed to them, mailed to the Tenants, and that any Orders would be sent to the appropriate Party.

At the outset of the hearing, I advised the Landlords that pursuant to Rule 7.4, I would only consider their written or documentary evidence to which they pointed or directed me in the hearing. I also advised them that they are not allowed to record the hearing and that anyone who was recording it was required to stop immediately.

Issue(s) to be Decided

- Should the tenancy be ended early and the Landlords be given an order of possession of the residential property?

Background and Evidence

The Landlords explained that one of the Tenants is their daughter, and the other Tenant is her boyfriend. The Landlords said they bought the residential property in 2007 and that their daughter moved into a suite in the basement; her boyfriend moved in more recently. The Landlords said they do not have a written tenancy agreement, but that the Tenants are required by the Parties' oral agreement to pay the Landlords a monthly rent of \$1,200.00, due on the first day of each month. The Landlords said that the Tenants never pay the full rent owing. The Landlords said they did not collect a security deposit, nor a pet damage deposit from their daughter for this tenancy.

In the hearing, the Landlords explained that since the male Tenant moved in, the Tenants have brought more and more possessions and debris to the residential property, which they leave strewn about the property, inside and outside. The Landlord said he has watched documentaries about hoarding and that this is what is happening at the residential property.

The Landlords submitted photographs of the condition of the residential property. The photographs show an inordinate amount of debris cluttering the space, making it difficult to approach the doorways and get through passageways.

In a written statement, the Landlords said:

As seen in the pictures, there is also damage to the rental unit including damage to the pipes, holes in the wall, cupboard doors are broken off, garbage is everywhere, and the microwave and granite countertops are damaged. Their hoarding tendencies are causing a danger to the other occupants because there is little to no access to entrance and exits, creating a fire hazard. Live wires are in the open space as caused by the tenants ripping out the heater, creating a hazard as well.

The Landlords also said the following in their written statement:

There is unreasonable disturbance to the landlords including the tenants consistently shutting the water valve off. Due to this, there is no cold water to the upstairs and we cannot flush the toilet. Additionally, the tenants are late with their rental payments on a monthly basis and when they do pay, they do not paying the full amount.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on a balance of probabilities, I find the following.

In order to establish grounds to end a tenancy early under section 56 of the Act, the landlord must not only establish that they have cause to end the tenancy, but that it would be unreasonable or unfair to require the landlord to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the testimony of the Landlords, I find that they have met that burden. I accept the Landlords' undisputed evidence that the Tenants have significantly interfered with or unreasonably disturbed another occupant and the Landlord of the residential property.

I find from the evidence before me that the Tenants have created a dangerous situation by hoarding items, which block doors and hallways, creating a hazard for occupants trying to exit in emergency situations. The Landlords' evidence that the Tenants have tampered with live wiring, as well. I find it consistent with common sense and ordinary human experience that such a situation would present danger for all occupants of the residential property. I also accept the Landlord's undisputed evidence that the Tenants' behaviour puts the Landlord's property at significant risk.

Due to these conclusions, I find that the Landlords have proven on a balance of probabilities that the Tenants have significantly interfered with or unreasonably disturbed another occupant and/or the Landlords, as well as put the Landlords' property at significant risk.

I am also satisfied that it would be unreasonable and unfair to the Landlords to wait for a One Month Notice to End Tenancy for Cause to take effect; I find without an early termination of the tenancy, the Landlords are less likely to be able to preserve their property.

Therefore, and pursuant to section 56 of the Act, I grant the Landlords' Application to end this tenancy early. I award the Landlords with an **Order of Possession** that is **effective two days** after it is deemed served to the Tenants.

Conclusion

The Landlords' Application is successful, as they proved on a balance of probabilities that the Tenants have: (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property; (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant; and (iii) put the landlord's property at significant risk.

Pursuant to section 56 of the Act, the Landlords are granted an **Order of Possession** of the rental unit, **effective two days after service on the Tenants**. This Order must be served on the Tenants by the Landlords and may be filed in the Supreme Court of British Columbia and 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: August 24, 2022

Residential Tenancy Branch