



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an early end to this tenancy and an Order of Possession pursuant to section 56; and authorization to recover the filing fee for this application, pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:25 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed that the landlord and I were the only ones who had called into this teleconference.

The landlord was informed of the RTB Rules of Procedure Rule 6.11 which prohibits parties from recording the dispute resolution hearing. The landlord confirmed that they understood.

The landlord testified that the tenants were served with their application and evidentiary materials by way of posting the package on the tenants' door on August 25, 2022. In accordance with sections 88, 89, and 90 of the *Act*, I find the tenants deemed served with this package on August 27, 2022, three days after posting. The tenants did not submit any written evidence for this hearing.

Issues(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

While I have turned my mind to all the documentary evidence properly before me and the testimony provided in the hearing, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of this application and my findings around it are set out below

The landlord provided the following submissions. This fixed-term tenancy began on May 1, 2022, with monthly rent set at \$3,000.00, payable on the first of the month. The landlord still holds a security deposit of \$1,500.00.

The landlord applied for an early termination of this tenancy as the landlord had discovered that the tenants had lied about their true identity and backgrounds, and after the landlord had discovered that the tenants have caused significant damage to the brand new home.

The landlord testified that the tenants have only been residing in the residence since May 2022, and have caused significant damage to the brand new home. The landlord testified that the tenants are the first occupants to occupy the suite, and the landlord had discovered that the home had been significantly damaged by the tenants. The landlord submitted photos that were taken during inspections, which the landlord testified had taken place a week before the hearing. The landlord testified that they were fearful of the tenants after confronting the tenants about them changing the locks without the landlord's permission or knowledge. The landlord testified that they did not feel safe approaching the tenants without the escort of an officer. The landlord testified that the tenants were aggressive, and had already damaged the home.

The landlord called a witness in the hearing, who was a former landlord of the same tenants. The former landlord testified that they were searching online for the current residence of the tenants as the former landlord had initiated civil proceedings against the tenants for damage that they had caused in a previous tenancy. The landlord testified that they had suffered significant losses due to the tenants' behaviour, and believes that the tenants are a significant threat to others and the property.

Both the landlord and their witness confirmed that the tenant KF had lied about their identity, and gave a false name of KK. The witness testified that a sawed off shotgun and drug paraphernalia was found inside the residence, and the landlord suffered significant stress and expenses to evict the tenants.

The landlord applicant is concerned that the tenants would continue to pose a significant threat to the landlord, others, and the property if this tenancy was to continue.

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 a notice to end the tenancy were given under section 47 for a landlord's notice for cause. 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 evidence and sworn testimony before me, I find that sufficient evidence has been provided to warrant an end to this tenancy for several of the reasons outlined in section 56, as outlined above. The landlord is seeking an Order of Possession as the landlord is concerned that the tenants pose a significant and ongoing threat to the property, and anyone in close proximity to the tenants.

The second test to be met in order for a landlord to obtain an early end to tenancy pursuant to section 56 of the *Act* requires that a landlord 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. On this point, I find that the reasons cited by the landlord for circumventing the standard process for ending a tenancy for cause meet the test required to end this tenancy early as this matter pertains the immediate safety and lawful interests of the landlord, and extraordinary damage to the property.

The serious nature of the offences referenced in the hearing and landlord's application is quite worrisome. The landlord provided photographs depicting the significant damage caused by the tenants to the brand new home within a short period of time. The landlord also provided undisputed testimony that the tenants had changed the locks without authorization, and had provided a false name to the landlord. Furthermore, the landlord expressed concern about the aggression displayed by the tenants when confronting them about the locks. I note that the landlord did call a witness who testified to their experience with the tenants in a previous tenancy. Although a cause of concern for the landlord, I note that this testimony and evidence pertains to a different and past tenancy, and therefore has little relevance to this hearing. My decision is based solely on the evidence and testimony pertaining to this specific tenancy. I note that the tenants have chosen to not appear at this hearing, nor have they provided any contrasting accounts by way of written evidence.

The main reason for the urgent nature of this application is the immediate risk to the safety and lawful interest of the landlord and residents in the area, and I find that the landlord has provided sufficient evidence to support this. The landlord has provided evidence to support the significant amount of damage was caused by the tenants within a short period of time, as well as the intentional efforts of the tenants to deceive the landlord by providing a false name. The landlord is also concerned by the fact that the tenants had changed the locks, and responded in an aggressive manner when approached by the landlord. All this behaviour, which has taken place in a short period of time, highlights the potential volatility that the landlord and others may face if this tenancy continues, as well as the potential for further damage to the property, and risk to everyone's safety.

Under these circumstances, I find that it would be unreasonable and unfair to the landlord for a 1 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. I issue a two day Order of Possession to the landlord.

I allow the landlord's application to recover the \$100.00 filing fee from the tenants. Using the offsetting provisions of section 72 of the *Act*, I allow the landlord to retain \$100.00 of the security deposit in satisfaction of this monetary award.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I allow the landlord to recover the \$100.00 filing fee by allowing the landlord to retain \$100.00 from the security deposit for this tenancy.

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: September 09, 2022

Residential Tenancy Branch