



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ET, FFL**

Introduction

This is an application by the landlord to end the tenancy early by way of an expedited hearing and seeking;

- an order of possession for the subject residential property pursuant to section 56 of the Act
- recovery of the filing fee pursuant to section 72 of the Act

The landlord attended the hearing represented by RR. The tenant did not appear. All parties present were given a full opportunity to be heard, to present their sworn testimony and to make submissions under oath.

The hearing was conducted by conference call. The parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The landlord RR stated that they served the dispute notice on the tenant on November 8, 2022 by posting it to the front door of the rental unit. The tenant is therefore deemed to have received the dispute notice on November 11, 2022, pursuant to section 90 of the Act.

Issue(s) to be Decided

1. Are the landlords entitled to an order ending the tenancy early?
2. Are the landlords entitled to recover the filing fee for this application?

Background and Evidence

The tenancy commenced on January 1, 2022, for a one year fixed term. Rent is \$1,100.00 per month due on the first of the month and the landlord currently holds a

security deposit of \$550.00 in trust for the tenant. The tenant currently occupies the rental unit.

The landlord RR stated that the subject rental unit is located in a house with two suites. The tenant and a roommate occupy the downstairs unit and the upper suite is occupied by renters as well.

The landlords are seeking to end the tenancy early as the tenant is engaging in behaviour that is dangerous to the other tenants. The landlord RR listed the following incidents:

July 13, 2022 – the tenant stole bikes from other tenants.

September 18, 2022 – the tenant fell asleep and started a fire in the oven, which was subsequently discovered and extinguished by her roommate when she arrived home.

October 25, 2022 – the tenant got into a physical fight with a visitor she invited into the residence and the visitor drew a knife and threatened the tenant. The police were called.

October 27, 2022 – the tenant brought a large amount of garbage into the rental unit.

October 31, 2022 – the tenant got into a physical altercation with her boyfriend.

The landlords uploaded photos and video of a number of the incidents. The landlord RR stated that the tenant's roommate as well as the upstairs occupants are fearful of the tenant, and her guests. They are also fearful that the tenant will start another fire in the rental property. The upstairs occupants have installed security cameras, but the tenant keeps unplugging the cameras.

Analysis

To be successful in an application to end a tenancy on an expedited basis, the landlords must satisfy the requirements of section 56 of the Act which states:

56 (2)The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlords' application,

(a)the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (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;
- (iii) put the landlords' property at significant risk;
- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlords' property,
 - (B) 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, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property, and
- (b) 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](#) [*landlords' notice: cause*] to take effect.

The tenant, by starting a fire and by engaging in physical altercations in the rental unit has both seriously jeopardized the health and safety of her roommate as well as the upstairs occupants of the rental property. A fire in the rental unit also puts the landlords' property at a significant risk. The incidents described by the landlords and supported by photographic evidence show that there is a serious safety risk to other occupants of the rental property. Both the photos and the video depict very serious physical altercations, with damage. While the damage is not necessarily to the property itself, it poses a risk to the other occupants in the unit and building, with broken objects and food thrown around the rental unit.

Additionally given the ongoing nature of these incidents, I find that it would be unreasonable at this point to require the landlord to issue a One Month Notice and wait for that to take effect. Numerous serious incidents have occurred in the recent months

preceding the landlords' application and it would be unreasonable to potentially endanger the health and safety of the other occupants.

Given the immediate and ongoing risk to the roommate and the other occupants of the rental property it would be unreasonable to require the landlord to wait for a notice to end tenancy to take effect under section 47.

I find that the landlords are entitled to an order of possession for the rental property on an expedited basis. As the landlords are successful in their application, they are entitled to recover the filing fee of \$100.00 for the application.

Conclusion

The landlords are granted an order of possession which will be effective two days after it is served on the tenant. The order of possession must be served on the tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The landlords are entitled to recover the filing fee and are permitted to retain \$100.00 from the tenant's security deposit.

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: November 23, 2022

Residential Tenancy Branch