



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BURNRIDGE PROPERTIES LTD.  
and [tenant name suppressed to protect privacy]

## **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 the issuance of an Order of Possession pursuant to section 56;
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

Only the landlord appeared at the hearing. The landlord provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The landlord testified and supplied documentary evidence that she served the tenant with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on November 8, 2022. The landlord had provided tracking information from Canada Post and advised that the package came back unclaimed two days prior to this hearing. I am satisfied that the landlord has attempted to serve the tenant in accordance with section 89 of the *Act*. The hearing proceeded in the absence of the tenant. I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

### 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 the recovery of the filing fee for this application from the tenant?

## Background and Evidence

This tenancy began on September 1, 2022 with the current monthly rent of \$675.00 due on the first of each month. The tenant paid a security deposit of \$375.00 which the landlord holds. The landlord testified that since September 25, 2022, BF has become violent, aggressive, and threatening towards the other tenants on the property. The landlord testified that the police have attended. The landlord testified that he has tried to work with the tenant however, her behaviour has not improved. The landlord testified that other tenants are afraid of BF and have threatened to move out because of that fear. The landlord filed this application for the following reasons:

*“The initial, and first of many, incident took place September 25th, 2022. You allegedly assaulted Kelly (#1), another tenant in the building. The RCMP attended and you were removed from the property. This and many other 'incidents' have occurred since. Ranging from intimidating Jeannie (#4), another tenant, to another physical assault against Elena (#2), and even some damage of other tenant's property (in common areas). The tenants now live in fear and feel unsafe in their own units.”*

The landlord stated that this is an urgent application about a tenant who poses an immediate and severe risk to the rental property, and wants an order of possession.

## 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. 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.*

The landlord was clear, concise, and credible when giving testimony. The landlord has provided undisputed testimony and extensive documentation to satisfy me that the tenant has:

- *“significantly interfered with or unreasonably disturbed another occupant or the landlord of 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.*

Based on the above, I find that the landlord is entitled to have this tenancy end early and grant them an order of possession. The tenancy is terminated.

The landlord is also entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

### Conclusion

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

The tenancy is terminated.

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: December 01, 2022

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Residential Tenancy Branch