



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided affirmed testimony. However, the Tenant did not appear. The Landlord stated that he sent the Notice of Dispute Resolution Proceeding and evidence package to the Tenant by registered mail on November 18, 2022. Proof of mailing was provided at the hearing. Pursuant to section 90 of the Act, I find the Tenant is deemed to have received the package 5 days after it was mailed.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. 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 end the tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlord stated that the Tenant has only lived in the rental unit since April 2022. However, she has been dealing drugs out of the building. Further, the Landlord stated that the Tenant's boyfriend, who was in prison at the start of the tenancy, is living with her. The Landlord explained that the Tenant's boyfriend is a known criminal, who has recently been convicted for serious offences such as illegal possession of a firearm, possession of stolen property. The Landlord stated that not only has the Tenant stopped paying rent in full, but both her and her boyfriend are dealing drugs out of the building, and significantly disturbing others in the building.

The Landlord pointed to an incident in late October 2022 when he went to the rental unit to speak with the Tenant (about selling drugs), and the Tenant's boyfriend threatened the Landlord and his family, by stating he was going to come after him. The Landlord stated he has seen the Tenant walking around the building with knives and weapons, and is genuinely fearful for his/his families safety, and the safety of others in this apartment building.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; and, 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 to take effect.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's boyfriend's verbal threats of violence, combined with the alleged drug trafficking poses an immediate and severe risk to other occupants and the Landlord. I am satisfied this unreasonably disturbs the Landlord and that it would be unreasonable to wait for a 1-Month Notice to take effect. As such, I find the Landlord is entitled to an order of possession.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be 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: December 09, 2022

Residential Tenancy Branch