



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SSN Investments First Group  
Ltd. and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**     **ET**

### **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

The landlord attended the hearing represented by landlord MS and agent MS. 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 advised that the dispute notice and evidence package was served on the tenant on November 21, 2022 by registered mail. The landlord provided proof of service and a receipt and registered mail tracking number. I find that the tenant is deemed to have been served on November 26, 2022 in accordance with sections 88, 89, and 90 of the Act.

### **Issue(s) to be Decided**

1. Is the landlord entitled to an order ending the tenancy early?

### **Background and Evidence**

The tenancy commenced October 4, 2020 and was for a fixed term and then continued month to month thereafter. Rent is \$2,250.00 per month and a security deposit of \$1,125.00 and a pet deposit of \$1,125.00 are held in trust by the landlord. The landlord is unsure if the tenant still occupies the residence.

The landlord stated that the tenant was arrested by police on November 18, 2022. The police then attended the rental property on November 20, 2022 and entered the premises. In doing so the police used a vehicle to break down the fence of the rental property, used tear gas, and broke several windows. The landlord provided a video of the rental property with a police presence and showing smoke coming out of the rental unit which the landlord stated was tear gas. The landlord also provided a media release in evidence stating that the tenant had been arrested on November 18, 2022 for hostage taking with a firearm and unlawfully entering a dwelling house.

### Analysis

Section 56 of the Act states:

**56** (1)A landlord may make an application for dispute resolution requesting

(a)an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under [section 47](#) [*landlord's notice: cause*], and

(b)an order granting the landlord possession of the rental unit.

(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 landlord's 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 landlord's property at significant risk;

(iv)engaged in illegal activity that

(A)has caused or is likely to cause damage to the landlord's 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](#) [*landlord's notice: cause*] to take effect.

The landlord has established based on undisputed evidence that the tenant was engaged in illegal activity. As a result of the illegal activity the police entered the residence and caused significant damage to the landlord's property. The tenant's illegal activity directly led to the property damage by the police. Given the significance of the police presence and the seriousness of the criminal activity it would be unreasonable to require the landlord to serve a notice to end tenancy under section 47 of the Act.

The landlord's application to end the tenancy early is granted. The landlord is entitled to an order of possession for the rental property.

### Conclusion

The landlord is 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.

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 15, 2022

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Residential Tenancy Branch