



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 agents MS and 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. They provided copies of the postal receipt and tracking number in evidence. I find that the tenant is deemed to have been served on November 26, 2022 pursuant to 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 1, 2022 for a fixed term ending September 30, 2023. Rent was \$2,300.00 per month due on the first day of the month. A security deposit of \$1,150.00 and a pet deposit of \$1,150.00 is held in trust by the landlord. The landlord is

unsure if the tenant still occupies the rental unit and advised that based on previous visits, other individuals appear to be living there.

The landlord advised that the police attended the residence on November 18, 2022 looking for an individual. This is the second time the police attended looking for this individual. This individual is not the tenant but it is the landlord's understanding that this individual has been permitted to stay at the rental unit by the tenant. The landlord provided a video in evidence showing a property that they confirmed to be the rental unit surrounded by police with guns drawn. The landlord advised that the police attended looking for the individual permitted to be at the rental unit by the tenant.

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.

It is the undisputed evidence of the landlord that this individual who was wanted by the police was permitted on the property by the tenant. Given the significance of the police response in looking for this individual I find that the landlord has established on undisputed evidence that this person who was permitted on the property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, by requiring a police presence with guns drawn as depicted in the video. By permitting an individual to attend on the property that is the subject of a significant police involvement, other occupants of the property that appeared to be living there based on the landlord's evidence could be put at risk. The danger to the landlord and other occupants is such that it would be unreasonable to require the landlord to wait for a notice to end tenancy under section 47 of the Act.

The landlord's application for an order ending the tenancy early is granted.

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 13, 2022