



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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.

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

AM testified that he served the tenant with the Notice of Hearing and Application for Dispute Resolution by having his father present when he posted it on the tenants' door on December 21, 2022. I find that the tenant has been served in accordance with section 89(2)(d) of the Act and deemed served three days later on December 24, 2022 pursuant to section 90 of the Act, accordingly; the hearing proceeded in the tenant's absence and completed on this date. 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?

Background and Evidence

AM testified that this tenancy began on March 15, 2019 with the current monthly rent of \$2800.00 due on the first of each month. AM testified that the tenant was fine for the first eight months of the tenancy but has become addicted to drugs. AM testified that the

police have attended on numerous occasions. AM provided the following as part of his application and the reasons he wants to end the tenancy.

“this property has a large police file as many reports have been filed due to multiple complaints. fires have been caused on property. damage to the entire property due to debris and harmful products. threat to our safety as well as neighbors. heavy drug activity. aggressive occupants trespassing. threats being made to employees. trespassing on property and random occupants walking aggressively towards female with knife and bbgun/airsoft gun in hand shooting at feet/ground. police report coming*.”

AM testified that there are several squatters on the property stealing electricity and that they are unknown to him and are not part of this tenancy. AM testified that the tenant has allowed numerous unauthorized people into the home. AM stated that this is an urgent application 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 and , to wait for a notice to end the tenancy under section 47 [landlord's notice: cause]... to take effect.

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 “seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant” **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.

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: January 03, 2023

Residential Tenancy Branch