



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ET, FFL**

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 RH attended the hearing. No one appeared for the tenant. 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 in attendance confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The landlord stated that the dispute notice and evidence package was served on the tenant on December 8, 2022. The package was taken by the landlord to the door of the rental unit, at which point a person in the rental unit accepted the package. The person appeared to be over 19 years old. I find that service is in accordance with sections 88 and 89 of the Act.

Preliminary Issue

At the outset of the hearing the landlord advised that there is only one tenant of the rental unit, SL. The application is therefore amended to reflect that the tenant is SL pursuant to section 64(3)(c) of the Act.

Issue(s) to be Decided

1. Is the landlord entitled to an order ending the tenancy early?
2. Is the landlord entitled to reimbursement for filing fees?

Background and Evidence

The tenancy commenced on July 1, 2022 for a fixed term ending June 30, 2023. Rent was \$3,000.00 per month due on the first of each month. A security deposit of \$1,500.00 is held in trust by the landlord. It is unclear whether the tenant still occupies the residence and the landlord stated that the tenant has rented out the residence to other individuals without her consent.

The subject rental unit is in a single detached dwelling with two rental units, lower floor and upper floor. The tenancy agreement is in respect of the upper floor. The landlord stated that she believes the tenant is currently incarcerated.

The landlord alleges that the tenant placed glass in the laundry machines shared between the tenant and the occupant of the other rental unit, and as a result that occupant received cuts requiring stitches. Additionally, the tenant got in a violent physical altercation with another individual what was a guest invited onto the property by the other occupant. As a result of that incident the tenant was arrested. The landlord produced video evidence of a physically violent scene, including significant blood on the floor. The landlord alleged that the other occupant of the subject residence was afraid of the tenant and as a result chose to end her tenancy early.

The landlord stated that they believe that the tenant has fraudulently sub-let the rental unit but the landlord expressed concern that if the tenant was allowed to return to the rental unit, further violence would occur to the occupants of the subject residence.

Analysis

Section 56(2) of the Act states:

56 (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;

(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 undisputed evidence of the landlord is that the tenant placed glass in the common laundry machines and additionally engaged in a physical altercation with a guest on the subject property, resulting in the tenant's arrest. I find that the actions of the tenant have significantly interfered with another occupant on the residential property. I further find, given the violent nature of the actions of the tenant, that it would be unreasonable for the other occupant of the residential property to wait to end the tenancy pursuant to a notice under section 47 of the Act.

The landlord's application to end the tenancy on an expedited basis is granted. As the landlord was successful in their application, they are also entitled to recover the filing fee for the application

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.

As the landlord was successful in his application, he is also entitled to recover the filing fee for his application. Using the offsetting provisions contained in section 72 of the *Act*, I allow the landlord to retain \$100.00 from the tenant's security deposit in full satisfaction for a return of the filing fee.

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 8, 2023,

Residential Tenancy Branch