



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for an early end to the tenancy pursuant to section 56;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:20 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord representatives attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord's application was filed on August 19, 2022. The landlord testified that on September 12, 2022, a copy of the Application for Dispute Resolution including the Notice of Hearing and evidence package as sent to the tenant via registered mail. A registered mail receipt including the tracking number was submitted as evidence.

Based on the above, I am satisfied that the tenant was deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

### **Issues**

Is the landlord entitled to an order of possession for an early end to the tenancy?  
Is the landlord entitled to recover its filing fee?

### Background & Evidence

The rental unit is a room in a single room occupancy apartment. The current owners took over the property in August 2020 and the tenancy was already in place at that time. The landlord testified that they did not get any formal paperwork from the previous owner so they do not have a copy of the original tenancy agreement.

The landlord testified that back in June 2022 several surveillance cameras in the building had gone out. Upon review of the surveillance footage, they observed several individuals shooting out the cameras with a pellet gun. One individual was observed carrying a knife. The police were called, and the individuals were all traced back to the tenant's unit. The individuals were removed from the building by the police. The tenant himself at the time was illegally occupying the next door unit and the police had ordered him to remove himself from that unit. The tenant was issued a One Month Notice to End Tenancy for Cause after this incident, but the tenant did not vacate as per the effective date of the Notice which was July 31, 2022. The landlord for some unknown reason also failed to follow through on the One Month Notice.

The landlord testified that subsequent to the filing of this application, on November 19, 2022, the Vancouver Police conducted a raid on another unit in the building which resulted in the arrest of one individual and the seizure of numerous weapons and drugs. The police advised the landlord that the individuals involved were all associates of the tenant and that they had been aided and abetted by the tenant. Police file #'s and a copy of the news release of the raid were submitted as evidence.

The landlord testified that on December 11, 2022, another occupant who had previously reported being threatened by the tenant was found deceased. The police arrested the tenant on suspicion of murder. The tenant has been since released but the investigation is still ongoing.

### Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in significant risk;
- engaged in illegal activity that:
  - has caused or is likely to cause damage to the landlord's property;
  - 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
  - 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.

I accept the landlord's undisputed testimony and find that the tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property; seriously jeopardized the health and safety or a lawful right or interest of another occupant; and, put the landlord's property in significant risk. I find that the landlord has demonstrated on a balance of probabilities that the tenant and/or his associates were carrying on illegal activity in the building and pose an immediate risk.

In the circumstances I find it would be unreasonable, or unfair to the landlord to wait for a One Month Notice for cause to take effect.

Accordingly, I find that the landlord is entitled to an order for possession effective immediately after service on the tenant.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application. This amount can be retained from the tenant's security deposit.

### Conclusion

I grant an Order of Possession to the landlord effective **immediately** 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.

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

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Residential Tenancy Branch