



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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A matter regarding COMOX VALLEY TRANSITION
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FFL

Introduction

The landlord filed an application for dispute resolution under section 58(1) of the *Residential Tenancy Act* (the "Act") on December 16, 2022. The landlord seeks orders under section 56 of the Act. They also seek to recover the cost of the application filing fee pursuant to section 72 of the Act.

A hearing was held on January 16, 2023 at 9:30 AM. Two representatives for the landlord attended the hearing. The tenant did not attend the hearing, which ended at 9:52 AM. The representatives testified that they served a copy of the Notice of Dispute Resolution Proceeding on the tenant on December 20, 2022 by attaching a copy to the door. It is my finding, based on this undisputed evidence, that the tenant was served with the required paperwork necessary for her to attend the hearing.

Issues

1. Is the landlord entitled to an order of possession under section 56 of the Act?
2. Is the landlord entitled to recover the cost of the filing fee?

Background and Evidence

The representatives gave evidence that the tenant, who has resided in the rental unit since July 1, 2019, has engaged in numerous activities involving drug trafficking, illicit drug use, threats to other occupants including those occupants' children, confinement of individuals within the rental unit, leaving drug paraphernalia, permitting unwanted and unauthorized guests onto the property, sexual exploitation, and sex trade activities. The police, having attended to the rental unit dozens of times over the past few months, recently arrested the tenant. All of these activities are counter to the purpose of the landlord's provision of housing: a non-profit organization which provides safe and supportive housing to women and children.

Analysis

The landlord's application is made under section 56(1) of the Act, which states that

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.

In order to grant the orders under this section, section 56(2)(a) and (b) of the Act states that an arbitrator must be satisfied that the tenant or a person permitted on the 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.

In this case, the undisputed oral and documentary evidence persuades me, beyond any doubt, that the tenant's activities have met the necessary conditions set out in subsections 56(2)(i), (ii), and (iv) of the Act. Setting aside the fact that the tenant resides in housing specifically geared toward providing a safe and supportive environment for women and children, the tenant has clearly demonstrated that she repeatedly chooses to place other occupants in harm's way. The tenancy must end effective immediately.

Pursuant to section 56(1) of the Act it is my order that the tenancy is ended, effective immediately, and that the landlord is granted an order of possession. As noted during the hearing, the order of possession is issued with this decision to the landlord. The landlord is required to serve a copy of the order of possession upon the tenant, who is required to vacate the rental unit within two days.

Last, pursuant to sections 72 and 38(4)(b) of the Act, the landlord is entitled to recover the cost of the \$100.00 filing fee and may retain this amount from the security deposit.

Conclusion

IT IS HEREBY ORDERED THAT:

1. The application is granted.
2. The tenancy ends effective immediately.
3. The landlord is granted an order of possession of the rental unit.
4. The landlord may retain \$100.00 of the tenant's security deposit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: January 16, 2023

Residential Tenancy Branch