



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET, FFL

### 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;
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

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

The landlord testified and supplied documentary evidence that he served the tenant with the Notice of Hearing and Application for Dispute by posting it on the tenant's door on January 18, 2023. In accordance with section 89(2)(d) and section 90 of the Act, I find the tenant has been deemed served three days later on January 21, 2023. 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?

Is the landlord entitled to the recovery of the filing fee for this application?

### Background and Evidence

This tenancy began on February 1, 2021 with the current monthly rent of \$1750.00 due on the first of each month. The tenant paid a security deposit of \$975.00 which the

landlord still holds. The landlord testified that since October 2022 the tenant has become violent, aggressive, and threatening towards other tenants on the property and the landlord. The landlord testified that the police have attended on numerous occasions. The landlord testified that he has tried to work with the tenant however, his behaviour has gotten worse and he now fears him. The landlord filed this application for the following reasons:

*“The RCMP have been recently called to the apartment multiple times due to the tenants drug use & causing a disturbance to the other residence of the building. I have also been informed by the onsite caretaker that there is an illegal business being run out of the apartment as he has had numerous visitors to the building looking to buy marijuana. The active RCMP file is 2023-3725. The tenant has changed his number & I no longer feel safe visiting the apartment due to his aggressive behaviour.”*

The landlord stated that in addition to the above, the strata has imposed several fines due to the tenants behaviour and that two more are imminent. The landlord testified that despite numerous conversations and warnings, the tenants behaviour is getting more aggressive and irrational and requests an order of possession and for this tenancy to end.

### 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, 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 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.

The landlord is entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

### 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: February 02, 2023

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Residential Tenancy Branch