



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided affirmed testimony. However, the Tenant did not appear. The Landlord stated that she personally served the Tenant with the Notice of Dispute Resolution Proceeding, and evidence in person on March 2, 2023, 2023. I find the Tenant received the package on this day.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Landlord entitled to end the tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlord stated that the Tenant has a long history of abusing heroin, and she cannot safely live on her own any longer. More specifically, the Landlord stated that there are several concerning issues going on. First, the Tenant leaves behind used needles in the shared laundry room at the complex (shared with the other rental unit).

The Landlord explained that this is house with two units, and the other Tenants are fearful for their safety due to the Tenant's drug use. The Landlord stated that the Tenant invites her friends over and does heroin with them, and they engage in risky and dangerous activities that risk burning the house down. The Landlord explained that on February 20, 2023, the Tenant broke into a locked area under the house (crawl space) with her friends, and did heroin and lit a fire to stay warm. The Landlord stated that this poses an extreme fire risk, as the Tenant was using heavy drugs while lighting a fire underneath the building, in an area not suitable for fires.

The Landlord is fearful that her house is going to burn down any day, as the drug use continues.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; and, 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 to take effect.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's drug use, in combination with her decision to light a fire in the crawl space under a wood frame structure (while doing heroin with her friends) poses an immediate and severe risk to other occupants and the Landlord. I also find it would be unreasonable for the Landlord to wait for a 1 Month

Notice to End Tenancy to take effect. As such, I find the Landlord is entitled to an order of possession.

Further, section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was successful in this hearing, I also order the Tenant to repay the \$100.00 fee the Landlord paid to make the application for dispute resolution. I authorize the Landlord to retain \$100.00 from the Tenant's security deposit.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: March 22, 2023

Residential Tenancy Branch