



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 sent the Notice of Dispute Resolution Proceeding and evidence package to the Tenant via email on March 6, 2023. The Landlord provided written documentation showing all parties agreed to service via email. Pursuant to section 90 of the Act, and the section 43(1) of the *Regulations*, I find the Tenants are deemed served with the documents 3 days after they were sent, March 9, 2023.

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 Tenants have accumulated several strata fines from noise, property damage, and other matters. The Landlord stated that the Tenants started a fire in their rental unit, and nearly caught the building on fire on February 21, 2023. The Landlord explained that the Tenants attempted to burn plywood in their unit, and set off building fire alarms and the building was evacuated as a result. When the building was evacuated, and all occupants of the building were outside, the Landlord stated that one of the Tenants threatened another occupant in the building and indicated he had a gun.

The witness present at the hearing stated that she is the husband of the person who was threatened by one of the Tenants, following the evacuation of the building on February 21, 2023. The witness stated that after her husband was threatened by the Tenant, they called the police to report the threat, and the fact the Tenant indicated he had a gun. The Landlord provided a police file number during the hearing.

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 verbal threats of violence, including reference to a gun, combined with the irresponsible behaviour regarding burning plywood in the apartment, poses an immediate and severe risk to other occupants and the Landlord, and that it would be unreasonable for the Landlord to wait for a 1 Month Notice to End Tenancy for Cause to take effect. As such, I find the Landlord is entitled to an order of possession.

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 23, 2023

Residential Tenancy Branch