



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding INFIN CUSTOM HOMES  
and [tenant name suppressed to protect privacy]

## **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 tenants with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on March 23, 2023. The landlord had provided tracking information from Canada Post. Pursuant to sections 89 and 90 of the *Act*, I find the tenants have been deemed served five days later on March 28, 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 December 16, 2022 with the current monthly rent of \$2000.00 due on the first of each month. The tenants paid a security deposit of \$1000.00 which the landlord still holds. The landlord testified that from the outset of the tenancy the

tenants have been violent, aggressive, and threatening towards him and neighbours. The landlord testified that the police have attended on numerous occasions. The landlord testified that he has tried to work with the tenants however, their behaviour has gotten worse and he now fears him. The landlord testified that neighbours are also afraid of the tenants. The landlord testified that the tenants have threatened him with physical violence and threatened to damage his property. The landlord testified that he entered the unit to find a wall completely destroyed and removed between the bedroom and living room. The landlord testified that the tenants have repeatedly uttered racial slurs at him. The landlord filed this application for the following reasons:

*“There has been multiple incidents with Chelsie Wayne and I with the RCMP involved. The tenants has jeopardized my property broke into storage bins and my restaurant that is on the same property they stole and robbed all my stuff from there the call me day and night threatening me even when the RCMP is present they well and scream at me I am so scared I can't sleep even my neighbors are worried for themselves and family they broke my fence garbage everywhere rats infestation my property is atrisk.”*

The landlord stated that this is an urgent application about tenants who pose an immediate and severe risk to the rental property, other occupants or the landlord and I want an order of possession.

### 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”, 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.*

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 also entitled to retain \$100.00 from the security deposit in full satisfaction 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: April 18, 2023

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Residential Tenancy Branch