



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened in response to an application by the Landlord for an early end of tenancy and an Order of Possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”). I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by posting the materials on the door in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The tenancy began in 2008 when the Tenant also became an employee of the Landlord. The Landlord states that the Tenant has committed fraud and theft against the Landlord and other tenants by engaging in such acts as taking rental monies in cash from tenants while reporting the unit vacant, charging greater than the amounts allowed for security deposits and retaining the overage, and collecting cash from tenants for parking, storage and other costs that are included with the rent. The Landlord states that it has, to date, identified \$30,000.00 in missing monies from the Landlord and wrongfully taken monies from the other tenants. The Landlord states that it is believed the incidents have been occurring over the past two years and were reported to the police on June 25, 2014. The police are currently investigating and are collecting

evidence from the other tenants who are afraid of the Tenant. The Landlord states that the other tenants have informed the Landlord that the Tenant has been abusive and violent towards the mostly senior tenants. The Landlord is in the process of obtaining a restraining order against the Tenant. The Landlord claims an immediate end to the tenancy and argues that given the fear of the other tenants, the immediacy is justified.

### Analysis

Section 56 of the Act provides that a landlord may make an application to end a tenancy earlier than it would end if the landlord issued a 1 Month Notice to End Tenancy for Cause and obtain an Order of Possession in certain circumstances. It is not necessary for the landlord to issue a 1 Month Notice; however, the landlord must show that:

- (a) the tenant or a person permitted on the residential 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.

Upon consideration of the undisputed evidence before me, I am satisfied on a balance of probabilities that the Tenant has seriously jeopardized the lawful rights and interests of the Landlord and other tenants. Given the undisputed evidence of the fear experienced by the other tenants, I also find that it would be unreasonable or unfair to the Landlord to wait for a 1 Month Notice to take effect. Accordingly, I find that the

Landlord is entitled to an Order of Possession. The tenancy ends and the Tenant must vacate the rental unit two (2) days after service of the Order of Possession provided to the Landlord with this Decision.

Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and 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: July 10, 2014

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Residential Tenancy Branch

