



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REALTY EXECUTIVES ECO-WORLD CORPORATION
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; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The landlord participated in the teleconference, the tenant did not. The landlord provided documentation and gave affirmed testimony that the tenant was served notice of this hearing on October 8, 2018 by way of registered mail. The landlord provided documentation that the item was unclaimed and has been returned to her office. Based on the above, I am satisfied that that landlord acted in accordance with the service provisions of section 89 of the Act, therefore I continued in the absence of the tenant.

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 recover the filing fee for this application from the tenant?

Background and Evidence

This tenancy began on April 1, 2016 with the monthly rent of \$1200.00 due on the first of each month. A security deposit was not paid by the tenant. The landlord testified that the tenant has engaged in criminal activity on the property that includes possession of stolen property and the sale of said items. The landlord testified that the police have attended on numerous occasions because of the tenants' criminal activity. The landlord testified that the tenant has also had dozens of people move into the house; many of them homeless and also involved in criminal activity. The landlord testified that the tenant has not received any permission to allow all of these extra occupants to live in the home. The landlord testified that the tenant has also conducted numerous alterations of the home that are in contravention of the local by-laws. The landlord testified that despite her warning letters, the local bylaw officers warning letters of

infractions and the police attending regularly, the tenant has not changed his behaviour and seeks an early end of the tenancy and an order of possession.

The landlord also maintained in her application that the tenant had caused damage to the rental unit, which will require extensive repairs. The landlord's application included the following description of the reasons for ending this tenancy early.

- *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.

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 submitted extensive documentation to support her position. The landlord has satisfied me of all of the grounds listed above and that it would be unfair to the landlord to wait for the tenancy to end pursuant to a notice under section 47 of the Act. I find that tenancy must end and that an order of possession pursuant to section 56 of the Act is granted. The landlord is also entitled to the recovery of the \$100.00 filing fee.

Conclusion

The landlord is granted an order of possession and a monetary order of \$100.00.

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: November 02, 2018

Residential Tenancy Branch