



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding French Creek House Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### 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 two agents for the Landlord attended the hearing and provided testimony. However, the Tenants did not appear. The Landlords stated that they both personally posted the Notice of Hearing and evidence to the Tenants' front door on April 23, 2020. Pursuant to section 89 and 90 of the Act, I find the Tenants are deemed to have received this package on April 26, 2020, 3 days after it was posted.

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 stopped paying rent in February 2020, and things have started to go downhill quickly since that time. The Landlord stated that the Tenants moved some of their belongings out at the end of March 2020, but they have been back

to the premises since that time. The Landlords stated that the Tenants never returned the keys and never gave written notice that they would be moving out.

The Landlords stated that one of the Tenants volunteers at a homeless shelter and has allowed up to 5 homeless people to move into the rental unit without consent of the Landlord. The Landlords stated that these guests of the Tenants are ruining the building, climbing in and out of windows, breaking into nearby vehicles, and threatening and intimidating several of the other renters in the building.

More specifically, the Landlords explained that one of the guests of the Tenants told a woman living down the hall that he would kill her if she came near the rental unit. The Landlords stated that the woman who received the death threat from the occupant of this rental unit has not left her residence in 3 weeks out of fear for her life. The Landlords stated that the RCMP have come but the issues have not gone away.

The Landlords also stated that one of the occupants in this rental unit threatened to beat them up if they tried to perform repairs on the building. The Landlord feels fearful to even do routine maintenance in and around this rental unit, due to the numerous aggressive occupants, who continue to reside there.

### 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 Tenants, named on this application, are responsible for the people they have permitted to occupy the rental unit. I find there is insufficient evidence that the Tenants have abandoned the rental unit, and I note they have not returned the keys, and never gave written notice that they would be ending the tenancy. As such, I find their tenancy is still active, as it appears they have been back (in April 2020), after moving some of their belongings out at the end of March. I find the Tenants are responsible for the current occupants, who they permitted to live in the unit over the last couple of months. These occupants have physically threatened several others in the building. I find this behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56(2)(a)(i) of the Act. 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 Tenants. This order must be served on the Tenants. If the Tenants 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: May 14, 2020

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Residential Tenancy Branch