



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Pacific Quorum Okanagan Properties  
Inc. and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      ET

### 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 an Order of Possession pursuant to section 56.

The tenant did not attend this hearing which lasted approximately 10 minutes. The Notice of Hearing was confirmed to contain the correct hearing information and the phone lines were working normally. The corporate landlord was represented by its agent (the "landlord") who was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the tenant was personally served with the Notice of Hearing on November 6, 2020 by two agents of the corporate landlord. The landlord provided a signed Proof of Service form as evidence of service. Based on the undisputed evidence I find the tenant was duly served with the landlord's Notice of Hearing and evidence in accordance with sections 88 and 89 of the *Act* on November 6, 2020.

### Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

### Background and Evidence

The landlord provided undisputed evidence as the tenant failed to attend. This periodic tenancy began on October 1, 2020. The rental unit is a suite in a multi-unit residential building with 34 total units. The tenant continues to reside in the rental unit.

The landlord gave evidence that on October 28, 2020 emergency services were called to the rental building in response to fires started in the rental unit by the tenant. The landlord testified that there was evidence of multiple scorches showing that fires were set by the tenant in various areas of the rental unit. Emergency services returned to the

rental property later that same night in response to disturbance caused by the tenant shouting threats of physical harm to a neighbor.

The landlord testified that throughout the tenancy the tenant has caused considerable disturbance to the other occupants of the building by engaging in loud and profanity laced fights with their guests and others in the building. The landlord submitted into documentary evidence copies of multiple correspondence from other occupants complaining about the behaviour of the tenant.

### 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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.

I find that the landlord has provided sufficient evidence to show that the tenant has seriously jeopardized the safety of other occupants of the building and the landlord by setting multiple uncontrolled fires inside of a building. I accept the evidence of the landlord that there were multiple fires set by the tenant inside of the rental unit and

emergency services were called when the fire grew out of control. I find that setting fires indoors is an inherently dangerous act that seriously jeopardizes the health, safety and wellbeing of others.

The landlord has shown in their evidence that the fire of October 28, 2020 was not an aberration but a particularly egregious example of a continuing pattern of dangerous and violent behaviour on the part of the tenant. I accept the landlord's undisputed testimony that the tenant continues to engage in aggressive behaviour and lights fires inside of the rental unit. I find that the tenant's actions unreasonably disturbs the other occupants of the building, and poses a significant risk to the property and safety of the occupants. I find that under the circumstances, as the tenant continues to set fires inside of the building, it would be unreasonable to the other occupants of the rental building to wait for a notice to end the tenancy to take effect.

Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

#### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 17, 2020

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Residential Tenancy Branch