



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 the issuance of an Order of Possession pursuant to section 56.

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 she served the tenant with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on February 3, 2021. The landlord had provided tracking information from Canada Post indicating the mail had been delivered on February 5, 2021. I find the tenant has been duly served in accordance with section 89(2) of the Act. 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?

Background and Evidence

This tenancy began on March 1, 2019 with the current monthly rent of \$1100.00 due on the first of each month. The landlord testified that since September 2020 JS has become violent, aggressive, and threatening towards the other tenants on the property and the landlord. The landlord testified that the police have attended on numerous occasions. The landlord testified that she has tried to work with the tenant however, his behaviour has gotten worse and she now fears him. The landlord testified that other

tenants are also afraid of JS and have threatened to move out because of that fear. The landlord testified that the tenant has threatened the other tenants on the property with physical harm. The landlord filed this application for the following reasons:

“One of the tenants has been extremely violent including yelling, smashing, throwing furniture and objects out of the upstairs balcony. Police have been called to the property numerous times. Collin’s Russo’s wife (tenant from another unit) is suffering from cancer. His 14-year-old daughter is going through horrifying times on a daily basis. Situations have been elevated drastically recently.”

The landlord stated that this is an urgent application about a tenant who poses 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:

- *“seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant” 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.

Conclusion

The landlord is granted an order of possession. 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: February 19, 2021

Residential Tenancy Branch