



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

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 Landlord attended the hearing and provided affirmed testimony. However, the Tenant did not appear. The Landlord stated that he personally served the Tenant with the Notice of Hearing, and evidence in person on January 14, 2022. I find the Tenant received the package on this day.

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 Tenant has lived in the rental unit for a couple of years now, but in the last 6 months, there has been a marked increase in violence, theft, parties, and noise disturbances.

More specifically, the Landlord noted that this rental unit is part of a series of row houses and as such, there are several neighbours and occupants living next door who are being severely impacted by the Tenant's behaviour. The Landlord stated that the Tenant lives in the rental unit with her children, but her boyfriend will often come over and domestic fights often occur.

The Landlord stated that the police have attended the rental unit dozens of times in the past couple of months, and at least 5 times in December 2021. The Landlord stated that the Tenant has regular large, disruptive parties, in the middle of the night, and the Tenant's guests will often throw bottles, break into neighbours cars, yell, and threaten other occupants of the complex.

More specifically, the Landlord pointed to an incident on November 24, 2021, where the Tenant had a large party. One of the occupants next door asked the Tenant to try and be more respectful and quiet, as it was very late at night. However, the Tenant's guest responded by saying he would "hang" the complainant for making an issue of the party that was occurring. The occupant was taken aback and has been fearful for his life, as since that date, parties have continued. The Landlord stated that the Tenant's guests also continue to be aggressive and hostile with other occupants of the complex (breaking into cars, peeling out after leave, late night parties, banging, yelling, screaming).

The Landlord stated the behaviour has continued to escalate right up to this hearing date.

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 Tenant's (and the Tenant's guests) behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's guests verbal threats of violence, combined with all the hostile and physically threatening behaviour poses an immediate and severe risk to other occupants and the Landlord. 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 Tenant. This order must be served on the Tenant. If the Tenant 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: January 28, 2022

Residential Tenancy Branch