



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## 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 Landlord attended the hearing and provided testimony along with her daughter, J.N. However, the Tenants did not appear. The Landlord stated that she posted a copy of the Notice of Hearing, and evidence (including USB stick) to the front door of the rental unit on January 12, 2022. Proof of service was provided into evidence which shows this service was witnessed by a third party. Pursuant to section 89 and 90 of the Act, I find the Tenants are deemed served with these packages 3 days after it was posted to the door.

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 moved in on December 1, 2021, and since that time, there has been a pattern of escalating domestic violence within the rental unit. More specifically, the Landlord explained that part way through the month of December, the Tenant in the other rental suite in the house started to complain about violent, loud outburst coming from this rental unit. Shortly thereafter, the Landlord (who lives in the upper floor of the house) started to hear arguments, and escalating conflict.

The Landlord stated that they have called the police at least 4 times to report a domestic dispute, but the police have said there is very little that can be done to end the tenancy, as the Tenancy Branch is required for that issue. The Landlord stated that they called the police on December 30, 2021, at 11:00 pm, December 31, 2021, at 4am, January 10, 2022, at 1:22 am, and January 25, 2022, at 8:50 am.

The Landlord provided a series of audio and video recordings taken over the last month. The Landlord has recorded the videos and audio recordings from within their suite, and the yelling, screaming, banging, and foul language can be heard through the walls, even up to the top floor of the house upstairs. The Landlord explained that on January 2, 2022, they heard the female Tenant screaming for help, and banging around. The Landlord also stated that they have audio recordings from this night. They also have another audio recording from January 5, 2022, where the female and the male Tenant were screaming and yelling at each other, and it appears the altercation became physical. The female Tenant eventually complained about not being able to “breathe”.

The Landlord provided other videos/audio recordings which show that the domestic disputes continued, and that they appear to be increasing in severity, duration, and frequency. The Landlord stated that they hear screaming, thumping, and yelling on a daily basis, and they are desperate to return peace to the house. The Landlord further stated that since they served the Notice of Hearing package to the Tenants, the male Tenant has started threatening them and harassing them through the common walls, and door. The Landlord is fearful that the male Tenant will try to come through the interior door in the house, which does not have a very strong lock on it.

### 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' behaviour, particularly the male Tenant, is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. There is an escalating pattern of intense conflict between the Tenants, and the evidence strongly suggests that some of the conflict is physical in nature. Due to the frequency and severity of the domestic disputes, and the evidence to suggest there are violent outbursts and altercations occurring on an ongoing basis, I find there is an immediate and severe risk to the occupants of this rental unit, as well as a risk to the Landlord and the Landlord's property. The hostile and physical nature of the incidents leads me to conclude there is a risk to both person and property, should the tenancy continue. As such, I find there is sufficient evidence to support an early end to the tenancy, pursuant to section 56 of the Act.

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 fail 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: February 01, 2022

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Residential Tenancy Branch