

# The Residential Tenancies Branch

## About evicting tenants who are engaged in illegal or dangerous activities that pose an immediate health or safety risk to others

### **What types of activities justify terminating a tenancy on short notice?**

- A landlord may be justified in terminating a tenancy on short notice if a tenant or a tenant's guests:
  - engage in unlawful activity, fail to keep a rental unit clean, or impair the rights of the landlord or other tenants and their guests in a way that poses an immediate risk to their health or safety or substantially interferes with their rights [section 96(3)(a) Residential Tenancies Act]
  - fail to take care of, and repair damage to, a rental unit or complex, resulting in extraordinary damage [section 96(3)(b) Residential Tenancies Act]
  - disturb others in a manner that amounts to an extraordinary disturbance [section 96(3)(c) Residential Tenancies Act]

### **What can a landlord do if the tenant refuses to leave?**

- If the tenant does not leave by the date that the landlord states on the notice of termination, the landlord will need an order of possession to regain lawful possession of the rental unit. The landlord can apply for an order of possession at the Residential Tenancies Branch (RTB). A hearing will then be scheduled.
- If the landlord can show that serious health and safety concerns exist, the RTB will schedule a hearing on an urgent basis, giving the landlord five days to serve the tenant with the notice of hearing.
- At the hearing, the landlord and tenant have an opportunity to present their case.

### **What is a landlord's responsibility at a hearing?**

- A hearing officer will only grant an order of possession if the landlord submits evidence that establishes to the satisfaction of the hearing officer that the tenant or the tenant's guest is more likely than not responsible for the violation.

**Here are some examples of documents landlords may wish to submit as evidence to support an order of possession application:**

- video, audio or photos of the incident(s) in question
- incident reports (an incident number is not sufficient), warning letters or written confirmation from law enforcement agencies that unlawful activity is taking place in the rental unit
- incident reports from security staff, property managers, maintenance personnel, paramedics, fire department, health and bylaw inspectors, an alarm company, police, which prove the emergent nature of the incident in question
- verbal evidence or written statements from individuals who have direct knowledge of the tenant's conduct
- financial statements or receipts that detail necessary repairs

Landlords who have questions about the order of possession process should contact the RTB at 204-945-2476 or visit [www.manitoba.ca/rtb](http://www.manitoba.ca/rtb) (go into the Landlords portal, then Claims and Orders of Possession).