



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: ET & FF

Introduction:

This hearing dealt with a landlord's request to end this tenancy early pursuant to section 56 of the *Act*. A landlord is able to end a tenancy early under this section of the *Act* without having to serve a Notice to End Tenancy.

The landlord served the tenant notice of this hearing and application, including all the particulars of the dispute by posting it on the door to the rental unit on November 24, 2008. This method of service is recognized under section 89 of the *Act*.

The landlord provided evidence that he changed the locks to the rental unit on November 17, 2008 in accordance with the "no occupancy" order issued by the municipality. He stated that the tenant's mother contacted him on the same date requesting access to the rental unit. The landlord denied the tenant's mother access to the rental unit based on the municipal order and because he did not have any authorization from the tenant indicating that his mother could act on his behalf. The landlord stated that on November 21, 2008 he returned to the rental unit and found that the locks had been changed without his authorization.

The landlord also stated that according to the tenant's mother, the tenant was to be released from custody effective November 25, 2008. The landlord posted the documents on the door of the rental unit on November 24, 2008.

I am satisfied that the tenant, or an adult acting on his behalf, were attending the rental unit and would have received the posted hearing documents. I deem the tenant as having been served notice of this hearing by November 27, 2008 pursuant to section 90(c) of the *Act*. I proceeded with the hearing in the tenant's absence.

Issue to be Determined:

Does the landlord have grounds to end this tenancy early pursuant to section 56 of the *Act*?

Background and Evidence:

The landlord submitted compelling evidence supporting the conclusion that the tenant was engaged in illegal and dangerous activities in the rental unit. Further the tenant has changed the locks, without permission, to the rental unit on two occasions.

On November 13, 2008 a search warrant was carried out on the above noted rental unit. On November 18, 2008 the landlord received written notice from the municipality that as a result of the search of the property it was determined that, "...altercations were made to the residence for the production of a controlled substance." The municipality has placed the residence under a no occupancy order and has directed the landlord to bring the rental unit into accordance with the bylaw within 30 days.

The landlord submitted as part of his photographic evidence a picture of the rental unit door which has a "no occupancy" notice placed by the municipality effective November 13, 2008.

I am satisfied given the evidence before me that the tenant has engaged in illegal activity that has significantly interfered with or unreasonable disturbed the landlord, has seriously jeopardized the health and safety or lawful right or interest of the landlord and has put the landlord's property at significant risk. I am also satisfied that it would be unreasonable and unfair for the landlord to wait for a one month Notice to End Tenancy under section 47 of the *Act* to take effect.

Conclusion:

I grant the landlord's application. Pursuant to section 56 of the *Act* I grant the landlord an Order of Possession effective **immediately**, on this date, **December 1, 2008**. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Dated December 01, 2008.

Dispute Resolution Officer