



Dispute Resolution Services

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

DECISION

Dispute Codes: ET

Introduction

This application was brought by the landlord seeking an Order of Possession to end the tenancy early under section 56 of the *Act* which permits such applications in circumstances in which it would be unreasonable for the landlord to await an order under section 47 of the *Act*.

Issue(s) to be Decided

This application requires a decision on whether the tenants' alleged activities have sufficiently jeopardized the safety and lawful rights of the landlord and other tenants to warrant an Order of Possession to end the tenancy early.

Background and Evidence

This tenancy began February 15, 2008. Rent is \$750 per month and the landlord holds a security deposit of \$375.

During the hearing, the landlord gave evidence that he had made application after the male tenant was the subject of two police calls in January, one in which he was arrested for brandishing a knife in the lobby after an altercation and the other dealing with a fight in the rental unit.

The tenant stated that, in both instances, he had been the victim of attacks.

The landlord submitted two written undertakings by the tenants promising to correct actions that had been cause for concern. In one signed on July 15, 2008, the tenants agreed not to repeat behaviour that had led to an eviction notice on July 14, 2008. In the other, dated September 17, 2008, the tenants agreed not to give entry to forbidden persons, desist from drug dealing and no longer partake in excessive coming and going after 11 p.m.

The landlord gave evidence that the rental unit was used as a “crack house” and that he had come to fear for the safety of the staff, other tenants and the subject tenants due to the ongoing activities that were consistent with drug use.

He said that guests of the tenants had been belligerent and threatening to staff when asked to leave.

He stated, and the tenant concurred, that the tenant is afraid to turn away some of the frequent callers who attend the rental unit and made a number of suggestions to improve security in the building.

The landlord also submitted complaint letters from other tenants regarding the subject tenant putting garbage in the hallway, leftovers, the landlord stated, from the tenant bringing refuse including copper wiring into the building. The tenant stated that he had agreed to carry the garbage downstairs himself and that it was only temporarily put in the hall.

Analysis

Section 56(2)(a)(iii) of the *Act* permits a landlord to apply for an order to end the tenancy early in circumstances where the activities of the tenant seriously jeopardize the safety or lawful right of the landlord or other tenants.

I find that the landlord has made every reasonable effort and granted second chances to the tenants to prove that they can remediate their behaviour and reduce the burdens placed on the landlord and other tenants. By virtue of the two police calls in January, I find that the tenant have demonstrated that they are unable or unwilling to make the necessary changes.

Conclusion

I find that the landlord's request to end the tenancy early is justified. Accordingly, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenants.

Dated: January 27, 2009

Dispute Resolution Officer