



Dispute Resolution Services

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

Decision

Dispute Codes: ET

Introduction

This hearing dealt with the landlord's application for early end to tenancy and an order of possession. The landlord's agent participated in the hearing. However, the tenant did not appear and, instead, a friend who apparently resides with the tenant appeared.

Issue to be Decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement between the landlord and the tenant, the six month term of tenancy is from December 1, 2008 to May 31, 2009. Rent of \$1,000.00 is payable in advance on the first day of each month. While a security deposit of \$500.00 was collected from the tenant, no rent was paid.

Within days of moving into the unit, the tenant and others were removed by police. The landlord submitted into evidence a photograph of the unit's front door showing repair to damage caused when the police broke down the door in order to enter. Subsequently, the landlord has received no contact from the tenant and is unable to confirm her present whereabouts. The landlord's agent testified that in the meantime, others unknown to the landlord have occupied the unit, persons unknown to the landlord are coming and going from the unit at all hours, and the previous involvement of police as well as the demeanor and conduct of those either living in the unit or visiting the unit have frightened other occupants of the building. The landlord's agent testified that

families with children reside in the building and that some have already either vacated their units or have expressed the wish to do so, as a direct result of the suspected drug related activities in and around the subject unit. The landlord's agent testified that she also feels her personal safety is threatened.

On January 9, 2009, the landlord's agent personally served the application for dispute resolution and the notice of hearing at the front door of the unit on an adult who apparently resides with the tenant. In response to this service of documents the tenant's friend who continues to reside in the unit attended the hearing.

Analysis

Section 89 of the *Act* addresses special rules pertaining to service of certain documents. With specific regard to a landlord's application for dispute resolution to apply for an order to end tenancy early, section 89(2) provides that the application must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) as ordered by the director under section 71(1) [*director's orders: delivery and service of documents*].

Based on the testimony of the landlord's agent, I am satisfied that the application for dispute resolution and the notice of hearing were delivered in compliance with the

above statutory provisions. Specifically, I find that the application and notice were left at the tenant's residence with an adult who apparently resides with the tenant.

Section 56(1) & (2) of the *Act* address **Application for order ending tenancy early:**

56(1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*],
and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;

(iii) put the landlord's property at significant risk;

(iv) engaged in illegal activity that

(A) has caused or is likely to cause damage to the landlord's property,

(B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or

(C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord

(v) caused extraordinary damage to the residential property, and

(b) 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 [*landlord's notice: cause*] to take effect.

Further, section 56(3) of the *Act* provides:

56(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end tenancy.

Based on the evidence and testimony of the parties, I find that the tenant or others she has permitted on the property have adversely affected or are likely to adversely affect “the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property.” Specifically, I am persuaded that other occupants have been unreasonably disturbed by the activities of those coming and going from the unit, that illegal activities have caused damage to the landlord’s property, and that it would be unreasonable to the landlord or other occupants of the residential property to wait for a notice to end the tenancy under section 47 of the *Act* to take effect.

Accordingly, I find that the landlord has established grounds for entitlement to an early end to tenancy and an order of possession. I therefore order an early end to tenancy and grant the landlord an order of possession. The landlord has made application for nothing further at this time.

Conclusion

I hereby order an early end to tenancy and grant an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order

may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: January 22, 2009

Dispute Resolution Officer