



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 landlord seeking an Order of Possession under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires notice of a minimum of 30 days.

In this instance, the landlord had served Notice to End Tenancy for cause on December 31, 2008, but made subsequent application under section 56 of the *Act* on the grounds of continuing and escalating disturbance and perceived threat to the safety of other tenants.

Issue(s) to be Decided

This application requires a decision on whether the conduct of the tenants warrants an Order of Possession under section 56 of the *Act*.

Background and Evidence

This tenancy began November 19, 2008 under a one -year fixed term rental agreement. Rent is \$895 per month and the landlord holds a security deposit of \$447.50 paid on November 18, 2008.

During the hearing, the landlord gave evidence that, within the first week of the tenancy, it had been necessary to issue the tenants with a warning regarding the excessive traffic visiting the rental unit.

He said that as time passed, the traffic continued and the rental unit was subject to numerous police calls sometimes numbering two or three a week. He cited an example of one woman who would leave the apartment momentarily make contact with visiting cars and return, as an example of activity associated with drug dealing.

The tenant did not contest the evidence but stated that the occupants had been the victims of other persons and they would have been in danger if they had attempted to curtail the disturbing activities.

He said the woman most responsible had been asked not to return but the property manager said he had seen her exiting the rental unit within the last week.

The tenant urged the dispute resolution officer to contact one police officer who would verify his accounting. However, it is the responsibility of the parties to a dispute to arrange for their own witnesses to appear or to obtain written statements from them.

The landlord gave evidence that police officers had advised him that the subject tenants were associated with the tenants in a nearby suite which had been the site of a recent homicide. He said police had urged the eviction of tenants whose conduct indicated drug activities.

Analysis

I find that this fact pattern of unabated disturbance of other tenants, non compliance, apparent disregard for the landlord's property and threat to the safety of other tenants constitutes cause to end the tenancy early as contemplated by section 56 of the *Act*.

Indeed, given the evidence of the tenant that he had been overwhelmed by uninvited and undesirable persons who were using the rental unit as a base for apparently illegal purposes, I find that it would be in the best interest of the tenants to relocate as soon as possible.

Conclusion

Accordingly, the landlord's copy of this decision is accompanied by an Order of Possession, effective two days from service of it on the tenants. The order is enforceable through the Supreme Court of British Columbia.

February 10, 2009

Dispute Resolution Officer