

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

ET, MNR, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

The Landlord agent gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matter

The Landlord withdrew his application for a monetary order and to recover the cost of the filing fee from the Tenant. The Landlord stated that he just wanted the Tenant and the occupants out of the rental unit.

Issue(s) to be Decided

Is the Landlord entitled to an immediate Order of Possession under Section 56(1) of the Act?

Background and Evidence

The rental unit is in the lower suite of a house. The Landlord lives in the upper suite.

Landlords’ evidence

The Landlord testified that the Tenant has been unlawfully harassing the Landlord and threatening him with death threats. The Landlord testified that the Tenant set fire to the rental property. The Landlord testified that the police arrested the Tenant. The Landlord testified that the Tenant is allegedly a drug dealer and drug user and is currently allegedly in custody in a medical institution. The Landlord testified that there are guests of the Tenant's currently residing in the rental unit and that he is concerned that his property may be in immediate danger.

Analysis

I accept the Landlord's affirmed testimony. The Landlord is entitled to an immediate Order of Possession and I make that Order.

The Tenant's guests who are occupying the rental unit have not entered into a tenancy agreement with the Landlord and have no rights under the tenancy.

Conclusion

Under Section 56(1) of the Act, the Landlord is entitled to an Order of Possession and I hereby issue the order effective **immediately**. This order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby Order, pursuant to Section 71(2)(b) that service of the Order of Possession upon the Tenant is deemed to be effective on the date the Landlord posts a copy of the Order on the door of the rental unit.

June 5, 2009
