



Dispute Resolution Services

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

Decision

Dispute Codes: ET/ OPC, FF

Introduction

This hearing dealt with the landlord's application for an early end to tenancy and an order of possession, and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Despite being served with the application for dispute resolution and notice of hearing by way of posting on the unit door on August 7, 2009, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to any or all of the above

Background and Evidence

There is no written residential tenancy agreement in place for this month-to-month tenancy which began on or around May 1, 2009. Rent in the amount of \$900.00 is payable on the first day of the month. No security deposit or pet damage deposit was collected at the outset of tenancy.

Arising from reports from neighbours about suspicious and considerable comings and goings of people to / from the unit, in addition to the attendance of police and suspected arrests, the landlord requested an early end to tenancy and an order of possession.

The landlord stated that no rent has been paid for July or August and that it appears extensive cleanup and repair is required at the unit as a result of this short-lived tenancy.

Analysis

Section 56 of the Act addresses **Application for order ending tenancy early**. In particular, section 56(2)(a)(iv) of the Act states:

56(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:

(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;

Further, section 56(3) of the Act states:

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

Based on the documentary evidence and undisputed testimony of the landlord, I am persuaded that the landlord has satisfied the above statutory requirements and has established grounds for obtaining an early end to tenancy and an order of possession. Accordingly, I therefore find that the landlord is entitled to an early end to tenancy and an order of possession.

As the landlord has succeeded in her application, I find that she is entitled to recovery of the filing fee. Accordingly, I grant the landlord a monetary order under section 67 of the Act for **\$50.00**.

Conclusion

Pursuant to all of the above, I hereby issue 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$50.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 14, 2009

Dispute Resolution Officer