

Decision

Dispute Codes: ET / OPC, FF

Introduction

This hearing dealt with an application by the landlord for an early end to tenancy and an order of possession, in addition to recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of posting on the tenants' door, the tenants did not appear.

Issues to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from December 1, 2009 to October 31, 2010. Rent in the amount of \$1,150.00 is payable in advance on the first day of each month. A security deposit of \$575.00 was collected on November 18, 2009.

The landlord's application arises out of publicized incidents involving the conduct of the tenants during the tenancy. Police have been involved and it is understood that charges have been laid which include, but are not necessarily limited to, unauthorized possession of credit card data, unauthorized possession of a prohibited weapon and possession of instruments for forging or falsifying credit cards. Currently the unit is occupied by persons unknown to the landlord, and the landlord testified that all rent due has not been paid.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenants / occupants were served with the application for dispute resolution and the notice of hearing.

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides in part as follows:

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:

- (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;

(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.

(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.

Having considered the documentary evidence and undisputed testimony of the landlord, I find that the landlord has met the burden of proving entitlement to an early end to tenancy and an order of possession.

As the landlord has succeeded in this application, I order that the landlord may recover the filing fee by way of withholding **\$50.00** from the security deposit.

Conclusion

Pursuant to 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 tenants / occupants. This order must be served on the tenants / occupants. Should the tenants / occupants 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: April 29, 2010

Dispute Resolution Officer