



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

ET

Introduction

This Dispute Resolution hearing was convened to deal with the landlord's application seeking an order to end the tenancy early without notice to the tenant.

Despite being served, the tenant did not appear. The landlord appeared and gave testimony.

Issue(s) to be Decided

Is the landlord entitled to end the tenancy without notice pursuant to section 56 of the Act?

Background and Evidence

Submitted into evidence by the landlord was a written statement from the landlord explaining the reasons for the landlord's request to end the tenancy early and a copy of a statement from an officer of the RCMP. The tenant had not submitted any evidence.

According to the testimony of the landlord and the written statement from the police, the original tenant had abandoned the rental unit and the premises were now occupied by persons unknown to the landlord, but evidently well-known to the police, who had attended and made 9 arrests in March 2010. Reports of the occupants creating a disturbance in the neighbourhood and participating in drug-related transactions as well as engaging in sex-trade activities were received by police.

According to the landlord, the tenant could not be located but when he attended the rental unit he found that there were a large number of people on site. The landlord was seeking an immediate Order of Possession given the circumstances.

Analysis

Section 56 of the Residential Tenancy Act provides that a landlord may make an application for dispute resolution to request an order 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 granting the landlord an order of possession in respect of the rental unit.

Before issuing an Order ending the Tenancy under section 56 a Dispute Resolution Officer must be satisfied under section 56(2) that the following elements have been proven by the landlord:

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

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;

Has engaged in illegal activity that:

- has caused or is likely to cause damage to the landlord's property,
- 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
- has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- 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.

Based on the testimony of the landlord and the witness, I find that this situation does satisfy the criteria specified in section 56(2)(a) of the Act. Because of the abandonment by the tenant, the nature of the conduct in question and the fact that police were involved, I find that the circumstances solidly meet the second threshold under 56(2)(b) and 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. I find that the Landlord and other residents are at risk and the situation needs to be addressed in an urgent manner without further delay.

Conclusion

Accordingly, I hereby order that this tenancy is ended and grant the Landlord an Order of Possession. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

April 2010

Date of Decision

Dispute Resolution Officer