

DECISION

Dispute Codes ET, FF

Introduction

This hearing was scheduled in response to the landlords' application for Dispute Resolution, in which the landlord has applied for an Order of Possession on an Early End to Tenancy and to recover the filing fee for the cost of the application from the tenant.

The landlord states that the application and Notice of hearing was given to the female tenant in person on March 29, 2010. The landlord states that since filing this application the male tenant moved from the rental unit on or about April 15, 2010.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*.

All of the testimony and documentary evidence was carefully considered

Issues(s) to be Decided

Is the landlord entitled to end the tenancy early and gain an Order of Possession on the basis of his application to end the tenancy early and to recover the filing fee from the tenant for the cost of this application pursuant to section 56 and 72 (1) of the *Act*.

Background and Evidence

This tenancy started on March 01, 2010. This was a fixed term tenancy for one year and was due to expire on February 28, 2011. The rent for this unit is \$690.00 per month and is due on the first of each month. The tenant paid a security deposit of \$345.00 on or about March 01, 2010.

The landlord testifies that the tenants were also served with a One Month Notice to End Tenancy for Cause in March, 2010. However, the landlord explained that due to the extent of the criminal activity by the tenants she now seeks an Order of Possession based on her application for an early End to the Tenancy. The landlord testifies that the tenants are openly taking illegal substances in the unit and the landlord fears for the safety of her other tenants due to the tenant's use of the illegal substances and the undesirable people coming and going from the rental unit, many of whom also appear to be under the influence of drugs. On one occasion the male tenant who has now left the unit threatened another tenant with a broken bottle.

The female tenant has set a fire at the front of the building and is dealing in drugs to many young people who are seen to be coming and going from the unit at all hours. The landlord feels that this remaining tenant is a danger to the other occupants of the building as many of them are senior citizens and she is worried for their safety and security in the event the tenant was to cause a fire in the building and the difficulty the tenants would have in escaping the building and for the undesirable persons entering the building.

The landlord has provided a statement from two other persons residing in the building describing events when one of them (the tenant) was threatened with a broken bottle. This tenant describes the loud noise, partying and drug use of the tenants in the dispute unit and the many underage teenage boys and girls frequenting the tenants unit.

The landlord testifies that the tenants' visitors have broken into the dryers in the buildings laundry room and caused extensive damage to two dryers as they attempted to retrieve the cash from them. The landlord testifies that the police are called to the building at least twice a week to attend at the tenants unit to deal with fighting, drugs and alcohol abuse. The landlord testifies that the police have advised her to have no contact with the male tenant as he is a dangerous individual and although he has moved out he is still a frequent visitor to the rental unit.

Analysis

Section 56(2) of the *Act* authorizes me to end a tenancy earlier than the tenancy would end if Notice to End Tenancy were given under section 47 of the *Act* and grant an Order of Possession for the rental unit if the tenant or persons 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;
- (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;
- (v) 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.

(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.

I find that the landlord has provided sufficient evidence, pursuant to section 56 of the *Act*, to show that the tenant or persons permitted on the property by the tenant have significantly interfered with or unreasonable distributed other occupants of the residential property. I find the landlord has provided sufficient evidence to show that the tenant 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. I further find the tenant or her visitors have engaged in an illegal activity which caused damage to the landlords' property by breaking into the dryers in the building.

Due to the above I am satisfied, that it would be unreasonable and unfair for the landlord to wait for a One Month Notice to End Tenancy under section 47 of the *Act* to take effect and allow the landlords application for an early end to the tenancy.

Conclusion

The landlords' application for an Order to End the Tenancy Early is granted. An Order of Possession has been issued to the landlord to take effect **two days** after service on the tenant. A copy of this Order must be served on the tenant. The Order of possession is enforceable through the Supreme Court of British Columbia.

I find that the landlord is entitled to be reimbursed for the **\$50.00** cost of filing this application. I order that the landlord retain this amount from the security deposit of \$345.00 leaving a balance of \$295.00 which must be returned to the tenant or otherwise dealt with in compliance with section 38 of the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 12, 2010.

Dispute Resolution Officer