

## **Decision**

### **Dispute Codes:**

ET, FF

### **Introduction**

This is the Landlord's application for an early end to the tenancy and an Order of Possession; and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony.

### **Preliminary Matter**

The Landlord's agent testified that he served the Tenants with the Notice of Hearing documents by delivering the documents, including the documentary evidence, to the Tenants at the rental unit on May 20, 2010, at 4:00 p.m.

This matter was scheduled to be heard by telephone conference at 9:00 a.m. on May 28, 2010. Despite being served with the documents, the Tenants did not sign into the telephone conference, and this matter proceeded in their absence.

### **Background and Evidence**

The Landlord's agent gave the following testimony:

- The tenancy commenced on January 1, 2010. The Tenants paid a security deposit in the amount of \$400.00.

- The troubles started two months into the tenancy, when the Tenants started having loud parties late into the night. The Tenants were warned about disturbing other occupants in the building.
- One week after the verbal warning, police were called because the Tenants had a loud party and the other occupants were complaining about the noise.
- The Landlord gave the Tenants a One Month Notice to End Tenancy for Cause on April 29, 2010. After the Landlord served the Tenants with the Notice, things got worse. The police were called again.
- On May 14, 2010, the Tenants deliberately set fire to the rental unit. Police were called again.
- The Landlord provided written statements from other occupants in the rental property, stating that the Tenants were selling illicit drugs from the rental unit. These documents also state that the people who were buying the drugs were smoking crack cocaine and marijuana in the laundry room at the rental property, defecating in the sink and urinating in the dryers. Furthermore, these documents allege that one of the Tenants threatened another occupant, saying “You’re a dead man walking, white boy.”

## **Analysis**

The Landlord seeks to end the tenancy and obtain an Order of Possession, pursuant to the provisions of Section 56 of the Act, which states:

### **Application for order ending tenancy early**

**56** (1) A landlord may make an application for dispute resolution to request an order

(a) 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

(b) granting the landlord an order of possession in respect of the rental unit.

(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;

(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.

Based on the undisputed oral testimony and documentary evidence provided by the Landlord, I find that the Tenants, or a person permitted on the residential property by the Tenants, have done the following things:

(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; and
- (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.

I further find that 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 hereby issue the Landlord an immediate Order of Possession.

The Landlord has been successful in his application and is entitled to recover the cost of the filing fee from the Tenants. Further to the provisions of Section 72 of the Act, the Landlord may deduct the amount of \$50.00 from the security deposit paid by the Tenants.

### **Conclusion**

I hereby grant the Landlord an Order of Possession **effective immediately upon service of the Order on the Tenants**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord may deduct the amount of \$50.00 from the security deposit paid by the Tenants.

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: May 28, 2010