

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and receive an order of possession.

The Tenant was personally served with the Notice of Hearing and Application for Dispute Resolution on April 23, 2010, nevertheless, the Tenant did not attend the hearing. I find the Tenant has been served in accordance with the Act.

The Landlord and a witness appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issues(s) to be Decided

Is the Landlord entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

The subject rental unit is one of two suites in a residential home owned by the Landlord. The Tenant occupies the basement suite and there is a family living in the rental unit above. The family in the rental unit above has two children under the age of 16 years old.

The affirmed evidence of the Landlord was that the Tenant has, without permission or approval and in contravention of the tenancy agreement, allowed other occupants to occupy the rental unit.

The Landlord also testified that many people are coming and going from the rental unit. The Landlord alleges the Tenant is involved in the drug trade. He further testified that the police have attended the rental unit on several occasions, most recently on March 28 and April 16, of 2010.

Neighbours of the subject rental unit have also complained to the Landlord about the activities at the Tenant's rental unit.

A witness appeared and provided affirmed testimony that she is fearful for her and her family's safety. She testified that there are people coming and going to the subject rental unit at all hours of the day and night, some of whom are covering their faces to conceal their identity. She testified she has seen people receiving "baggies", of a substance she suspects to be drugs, over the fence on the property. She further testified that a few days ago the police attended the property looking for a suspect in a

break and enter in the neighbourhood. Her testimony is that the robbery suspect was arrested in the subject rental unit occupied by the Tenant.

The witness testified she has heard prolonged screaming and noise from the rental unit. She further testified that she has had to block the air vents from the basement unit, as fumes from an unknown chemical come up from there. On another occasion the witness explained how someone exiting from the Tenant's rental unit got into a car and drove over her garbage cans and dragged a can under the car for a distance. She alleges this person was impaired and should not have been driving.

Analysis

Based on the foregoing, the uncontradicted evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the Tenant, or a person permitted on the residential property by the Tenant, has significantly interfered with and unreasonably disturbed other occupants of the residential property.

I further find that the Tenant has seriously jeopardized the health and safety, and the lawful rights of the other occupants of the property.

I find and I am satisfied that it would be unreasonable and unfair to the Landlord or the other occupants to wait for a notice to end tenancy under section 47.

Therefore, pursuant to section 56, I grant the Landlord an order of possession for the rental unit effective at **1:00 p.m. May 6, 2010**, and I grant and issue the order in this form. This order may be enforced through the British Columbia Supreme Court.

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 04, 2010.

Dispute Resolution Officer