

DECISION

Dispute Codes: ET and FF

Introduction

This application was brought by landlord on June 3, 2010 seeking an Order of Possession to end the tenancy early under section 56 of the *Act* . This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the Act which requires a Notice to End Tenancy of a minimum of 30 days. The landlord also requested recovery of the filing fee for this proceeding.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and, if so, the effective date of such order.

Background and Evidence

This tenancy began on May 15, 2009. Rent is \$850 per month and the landlord holds a security deposit of \$425 paid on or about May 15, 2009.

During the hearing, the landlord gave evidence that, on attending at the rental unit on June 2, 2010, he found a marijuana grow operation with 247 marijuana plants and a

substantial amount of equipment. The landlord submitted several photographs of the plants and materials, and stated that he had immediately notified the RCMP and officers removed the plants and equipment.

The landlord gave uncontested evidence that the rental unit had not been lived in but had been rented solely for the purpose of the grow operation. He stated that there had been extensive damage to the rental unit.

The tenant representative who had issued the rent cheques attended the hearing and expressed no objection to the landlord taking immediate possession of the rental unit.

Analysis

Section 56(2)(a)(iv) of the *Residential Tenancy Act* provide that an Order of Possession for an early end of tenancy may be issued, among other reasons, where the tenant or a person permitted on the property by the tenant, has “(iv) engaged in illegal activity that” jeopardized a lawful interest or safety of the landlord or another occupant, caused or is likely to cause damage to the property and, (v) has caused extensive damage to the property.

I find as fact that, by virtue of the grow operation, the tenant have engaged in illegal activity that has caused extraordinary damage to the property, seriously jeopardized the lawful interest of the landlord and endangered other occupants of the complex..

Accordingly, I find that the landlord is entitled to an Order of Possession effective immediately.

I further find that the landlord is entitled to recover the filing fee for this proceeding and authorize that he may recover retain \$50 from the tenant's security deposit for that purpose.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective immediately.

I hereby authorize and order that the landlord may retain \$50 from the tenant's security deposit to recover the filing fee for this proceeding.

June 18, 2010