

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution to obtain an order of possession.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend.

The landlord testified he serve the tenant with the Notice of Hearing documentation by leaving it posted to the door of the rental unit on June 24, 2010 at 11:48 a.m. The landlord also testified this service was witnessed by a third party.

I accept the tenant was served in accordance with the requirements of the *Residential Tenancy Act (Act)* for the purposes of this hearing.

Issues(s) to be Decided

The issue to be decided is whether the landlord is entitled to an order of possession for cause without the requirement of one month's notice, pursuant to 56 of the *Act*.

Background and Evidence

The landlord submitted into evidence the following documents:

- A copy of a tenancy agreement signed by the parties on May 27, 2010 for a month to month tenancy beginning on June 1, 2010 for a monthly rent of \$1,200.00 with a security deposit of \$600.00 paid on May 25, 2010;
- A copy of a letter to the landlord from a tenant in a different rental unit at the same residential property dated June 16, 2010 regarding noise complaints about the upstairs tenants;
- A copy of a letter from the landlord to the tenant of the dispute address requesting the tenant stop making noise and that all non-tenants leave the premises;
- A copy of a Warrant to Search dated June 18, 2010 to search the dispute address for cocaine, heroin, scales, packaging materials, score sheets, monies, money counters and documents that may support residency at the dispute address;
- A copy of a letter to the landlord from the tenant in a different rental unit at the same residential property dated June 16, 2010 regarding additional complaints; and
- A copy of a letter from the RCMP to the landlord noting that "A large quantity of drugs was seized, along with two loaded and improperly stored firearms" and

“Police are concerned over the safety and security of this neighbourhood due to the gang and drug activity coming from and attached to this residence”.

The landlord testified the tenant he rented the house to has not been reachable since the tenancy agreement was signed. He further stated that he does not know who any of the multiple occupants are who are staying in the rental unit and that the police had arrested 8 of these occupants as per the letter from the RCMP.

Analysis

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an order of possession without providing a 1Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy and that it would unreasonable or unfair to the landlord or other occupants of the residential property to wait for a notice to end the tenancy.

Based on the evidence submitted, I find the landlord has established the tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant and engaged in illegal activity that has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant.

Also find, that the landlord has also established that it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a notice to end tenancy issued under Section 47 to take effect.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that 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: July 05, 2010.

Dispute Resolution Officer